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ABSTRACT

This document presents a symposium of papers concerning campus disorder. Papers are divided into three sections: background, actions, and tools at hand. Articles present the problems facing police officers and their reactions and solutions to campus disturbances. (MJM)

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CAMPUS DISORDERS

A Symposium of Relevant Papers

The Association of Physical Plant Administrators
of Universities and Colleges

1969

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CAMPUS DISORDERS

A Symposium of Relevant Papers

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A Symposium of Relevant Papers

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All of these people contributed to the collection and it is believed that this extension of their efforts and further recognition of their knowledge will provide each of them with much satisfaction. Truly without them there would have been no such publication.

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CAMPUS DISORDERS

A Symposium of Relevant Papers

INTRODUCTION

The following symposium has been collected from offerings which have appeared in the nationally-known publications; namely *Law and Order*, *The Police Chief* and *College & University Business*. In this presentation, editorializing has been reduced to a minimum. It has been deemed sufficient to let the "experts" present their material as they know it to be. The resultant offering is believed to be one of the most comprehensive, factual statements of the problems facing police officers. Their reactions and solutions offer us some means of combatting the disturbances which threaten every institution of higher education in this age of the enlightened and abrasive minorities.

The Association of Physical Plant Administrators of Universities and Colleges, publishers of this volume, are indeed grateful for those who have assisted in making this presentation possible. Editor Quinn Tamm, *The Police Chief;* Editor Frank G. MacAloon, *Law and Order* and Editor-in-Chief Dennis W. Binning, *College & University Business* have all been gracious in extending permission to reprint material from their publications.

The objectivity and scope of the material presented is believed to be of such magnitude that it may well aid campus officials in an understanding of the complexities of their problems. All too few of us have had a clear understanding of our problems and how to seek solutions. Perhaps some of the answers may be found in the presentation.

BACKGROUND

Disruption of normal campus activities due to demonstrations has become commonplace in academic environs in recent years. No portion of the geography has been spared this blight as north to south and east to west, the dissidents work upon the "establishments." Students eager to share their recently acquired knowledge and "professionals" remotely connected to the educational womb have frequently joined forces to disturb and challenge authority.

In very recent times, many APPA members have had to face the ugly prospects of dealing with student disorders, demonstrations, sit-ins, lay-ins or sleep-ins and to repair the physical damages attendant to these disturbances. These disturbances have been carried on due, in part, to administrative permissiveness. But the permissive administrator prays an enlightened police force will be able to maintain society's requirements of law and order. The individual student and his recently acquired awareness of his so-called rights, combine to constitute an entity so fragile that it must ever be handled with extreme caution.

Initially it appeared that demonstrations on campus were occurrences peculiar to the larger population centers. New York, Philadelphia, Berkeley, Los Angeles, Chicago, etc., presented areas "ripe" for such disturbances. But these man-induced occurrences follow man wherever he may be, and now those of us living in what used to be thought of as sleepy, college towns are as vulnerable as our mighty neighbors. It is apparent now that all that is needed to become a potential riot spot is to have a university campus. All other necessary ingredients come with the environment. This word of warning was flashed to police officers recently by F. G. MacAloon, Editor, *Law and Order* magazine, writing in the October 1968 issue of that publication:

A CONTINUING PHENOMENON-UNREST

With the massive application of police strength shown against the more recent episodes of violence, the country witnessed a shift of these disasters from our major cities to smaller places. Today no place is immune. The most recent observations predict that the nation's schools will be the center of social disorders during this fall. The forecast indicates trouble at both the college and pre-college level.

The incidents that trigger violence are invariably of a random or an uncontrolled nature. As such, the presence of these factors escapes detection from intelligence units and the best observations of alert patrol officers. In such a situation the only defense is to be aware that the potential trouble exists and is waiting to find the most flimsy excuse to happen.

In some communities the situation is more volatile than others; these will probably experience the first violence. Hundreds of additional cities maintain a simmering situation that exists at a level just below the boiling point and must be considered high potential locations for student rebellion.

Dealing with violent young people, as opposed to adults, has added inherent problems. Local residence, age, personal acquaintanship and a desire to keep their names off the blotter rule out the probability of "overreaction." The course then is one of positive firmness and an acceptance of the logic that the soft line approach will leave your schools and your reputation in a shambles.

Causes of these cancers on our once-healthy campus bodies are not all self-induced. Some of the young people engaged in promoting these activities have appeared on different campuses at different times, always acting as promotors of disturbances or disruptions. There is an air of professionalism attaching itself to these disturbances which makes it distasteful for men of good will to swallow. Even more difficult to comprehend is that the so-called "student" promotion of these demonstrations has been handled more effectively than the countering measures generated by their peers - the university and college administrators.

Many reasons for the causes of our dilemma of disturbance have been proposed. Some of these reasons have been advanced through various media such as television coverage, radio, magazines, newspapers and alumni organs. Causes of the problems have only in very recent times come in for extensive exploration by faculties, administrators and regents. Some of these exploratory attempts have resulted in statements which outline the positions of institutions in the problem area. There is little information available which prescribes or outlines the actions of suppressing agencies in controlling conditions of violence or disregard for law. It is in the area of police response that much attention must be given and it is hoped this collection of articles and comments will present some of these factors to you.

Police agencies throughout the country have stood ready to assist the universities and colleges in their problems. The feelings of the policing agencies involved have generally been unknown to many of us. But those of us engaged as administrators could well afford to read the words of Quinn Tamm, Executive Director, International Association of Chiefs of Police, Inc., writing in April 1965 in *The Police Chief* an editorial titled "Democracy or Mobocracy."

> *So-called "non-violent civil disobedience demonstrations" designed to dramatize imagined and real grievances ranging from the right to use filthy speech to the right to vote are rocking our republic from coast to coast. Sit-ins, marches and rallies have, in some instances, become abusive tactics, and deliberate violations of the law are being viewed more and more by the demonstrators as a necessary element to the success of the dramatizations.*
>
> *The violent disorders last year at the University of California, which are reported in this month's issue of "The Police Chief," are a shocking example of how far demonstrators are willing to go to make their point. Unfortunately, there is a growing tendency among those in authority to view such disturbances with wide toleration because the demonstrations have about them the aura of righteousness and nobleness of cause. But as man applies the abrasive wheel of civil disobedience to the roughness of our laws, there are dangerous sparks flying about which threaten the very foundations of our form of government.*
>
> *For instance, the California students and their off-campus agitators demonstrated last year for "free speech" on the campus. Their tactics included violations of the law, and 773 of them were arrested, but not until they had literally backed the University administration into a corner from which there was no other escape. California Governor Edmund Brown finally declared there was anarchy on the campus and ordered the arrests.*
>
> *All in all, despite the fact they were arrested, the demonstrators won a stunning victory. Emboldened by their successes,*

some of the participants in last year's demonstrations and some outsiders now claim free speech extends to using obscenity in public and have paraded around the campus openly displaying a despicable four-letter word. Apparently, appropriate action is now being taken against those responsible, but one is left to wonder if firm, immediate action had been taken against the first law violators whether the current misguided libertarians would have tested society to the extent they have now.

Vacillation in dealing with lawbreakers, regardless of how pure their motives, cannot be condoned. Massachusetts Attorney General Edward W. Brooke said recently, "The law applies to all, or it applies to none."

In a recent case (Cox vs. Louisiana) involving street demonstrations by students in Louisiana, the U.S. Supreme Court reaffirmed some principles basic to our democratic way of life. Said the Supreme Court, "The rights of free speech and assembly, which are fundamental in our democratic society, still do not mean that everyone with opinions or beliefs to express may address a group at any public place and at any time. The constitutional guarantee of liberty implies the existence of an organized society maintaining public order, without which liberty itself would be lost in the excesses of anarchy.... Governmental authorities have the duty and responsibility to keep their streets open and available for movement. A group of demonstrators could not insist upon the right to cordon off a street, or entrance to a public or private building, and allow no one to pass who did not agree to listen to their exhortations."

The implications of these comments for the police seem apparent. They are well expressed by Justice Clark in his dissenting remarks to his colleagues' majority opinion regarding the actions of police in the case. He said, "...I never knew until today that a law enforcement official--city, state or national--could forgive a breach of the criminal laws....I have always been taught that this Nation was dedicated to freedom under law not under mobs, whether they be integrationists or white supremacists....The contemporary drive for personal liberty can only be successful when conducted within the framework of due process of law. Goals, no matter how laudable, pursued by mobocracy in the end must always lead to further restraints of free expression. To permit, and even condone, the use of such anarchistic devices to influence the administration of justice can but lead us to disaster. For the Court to place its imprimatur upon it is a misfortune that those who love the law will always regret."

While such voices of reason continue to be heard above the din of the present "righteous defiance" of the law, our duty as law enforcement officers remains clear.

These are words strong enough to make a university or college administrator wince, but perhaps it is time for truth to be inserted into our appraisals of where we are at the moment. For it seems important to observe that the university image so far as control of fractious students is concerned, is suffering if we are to observe some of the criticisms made of us. The position of the security agents in relation to the universities and colleges is aptly stated in an article in *The Police Chief*, Volume XXX, No. 12, December 1968:

"POLICING BY PERMISSION"
by
Col. Fredrick E. Davids
Michigan State Police
East Lansing, Michigan

Many police administrators have been exposed in recent months to a new problem in law enforcement--one that we may charitably call "policing by permission."

If we were to be less charitable, we well might call it delayed decision making, based on administrative discretion.

This has occurred when law enforcement agencies have been faced with massive emergency or riot situations--when they have adequate equipment and manpower available, but must await the permission of a higher authority before handling the situation.

Frequently this allows the emergency to become more critical as time progresses, while the higher authorities attempt to solve the problem themselves, hope that if nothing is done the problem will take care of itself, or consult and depend upon the leaders of dissident factions to solve the problems -- all to no avail.

We are aware that many people, news media included, have claimed an expertise in law enforcement and have a desire to display and test this expertise. The chief executive of the community may well feel obligated--because of pride, social pressures, and political pressures--to grant these people the opportunity to resolve the problems that they claim they have the answers to. By the time they find out that they do not have the answers, it may well be too late.

Meanwhile, what had been a manageable problem intensifies, crimes are committed with impunity, tensions are increased, and suddenly (but really not so suddenly) the catastrophe occurs--either completely out of control or on the verge of it. Then, and only then, law enforcement is meaningfully committed.

All of us here are well aware of two of the main criteria for the well being of society. The first is that the laws, rules, and regulations of society are only going to be observed so long as the majority population chooses on a voluntary basis to do so. One has but to examine the history of the prohibition

laws to realize this. The second is that the basic concept of the administration of criminal justice is based on the swiftness of apprehension and the sureness of punishment following a fair trial of those persons found guilty of violating the law. That is why our laws should be just and their enforcement fair and impartial. In permissive policing, the laws, rules and regulations are being voluntarily disobeyed and there is no apprehension of violators and no punishment.

Thus, both of these criteria, so vital to the well being of society are totally disregarded.

We would not presume to be a law unto ourselves, realizing full well that we are responsible to administrative leaders and to the law abiding citizens. We do not wish to, nor can we, function autonomously within our communities separate and distinct from the remainder of the governmental operations.

Law enforcement is totally dependent upon the cooperation of the individual citizen. Through his majority will, he patterns the police department, sets its standards, determines its effectiveness, and pays for what he wants.

On some occasions the emergency situations that police have been faced with have deteriorated in their very presence, and some officers have been forced to watch laws being violated that they have taken a sacred oath to uphold. Some have been put in a position of watching their community being destroyed.

Following delayed decisions to act, it then becomes necessary to commit men, needlessly exposing them to injury and death, in a situation that allows no alternative but the use of violence to combat violence.

We know much more is expected of a police officer than of the average citizen, but it is possible to push any man a little too far.

Contrary to many existing conceptions, the policeman is a human being, with all the frailties that exist within all human beings. We suffer anxiety, fear, and revulsion the same as any other person. We resent being sent into a situation that need not have happened and that could have been prevented, or at least controlled, before it became violent.

As a result, the most important things that we have going for us, at this state of the emergency situation, are training, discipline, pride, and confidence in our leadership. At any given time, because we are human beings with human frailties, these cohesive restraints, in spite of the best intentions, may deteriorate.

We must ask our men once again to contain their emotions, put aside their personal feelings, often times suffer unspeakable abuse, and risk their lives. To what end? All too often to be accused of police brutality, of "over-reacting," and showing no compassion for our fellow human beings. This is what is happening.

None of us in law enforcement want to deprive any individual of his or her constitutional rights. We are actually talking about a very delicate balance between the rights of the individual against the rights of society as a whole. We must constantly bear in mind the danger of carelessness or overzealousness in our desire to maintain public order.

Do we ask too much of our men?

The law enforcement administrator has two major concerns in society. The first is the enforcement of the laws, rules, and regulations as established by society. The second is to maintain public support of enforcement through the fair and impartial operation of the police department.

Another stark example of permissive policing that has occurred in the past is on the campuses of our colleges and universities. Our intelligence warns us that the activities of the dissident factions are on the increase on our nation's campuses and that we will probably face some severe problems in the immediate future.

The colleges and universities that for so long have stood "in loco parentis" suddenly have found that their children are no longer willing to accept this traditional relationship.

Some administrators of these institutions, in the name of academic freedom, have permitted the establishment, indeed, in some instances assisted in the growth, of dissident groups.

We must be aware that our democracy requires dissent and that the students have long been the cradle of dissent. We must accept this dissent, so long as it is peaceable and does not interfere with other persons in their normal pursuits. For as Erwin Griswold, the solicitor general of the United States phrased it, "...youth is a disability that one gets over all too soon."

But these students--and I use the term loosely--are no longer content with dissent within the democratic process, but now advocate the violent overthrow of our democratic process.

They have created a "new left" whose heroes are Ho Chi Minh and the late Che' Guevera. They are using tax-supported institutions and services to plan sabotage and to plot the disruption of our communities, indeed, our entire country.

The extreme leniency in rules of conduct and freedom of expression have permitted these activities to continue without restraint, and they have erupted into violence and chaos before law enforcement has been advised.

The law enforcement agencies that operate on the campuses lack the capability of handling the situation once the violence has commenced, and may be prohibited by the university administrator from attempting to control the situation before violence occurs.

The violent activities of the dissident student are not confined to the campus. They spill out into the surrounding community seeking additional causes. I would ask you to merely recall the recent protests by welfare mothers and the speed with which the dissident students picked up their cause and made it their own.

In this policy of permissive policing by the administrators of these institutions, I would caution them to heed the words of Mr. Justice Frankfurter, when he stated, "Fragile as reason is and limited as law is as the instutionalized medium of reason, that's all we have standing between us and the tyranny of mere will and the cruelty of unbridled, unprincipled, undisciplined feeling."

I would propose to you that, as police administrators, you have a clear obligation to your men and to the community, as well as the chief executive of the community, to communicate the problems that exist when permissive policing occurs. It must be through this communication that the community itself will exert its legal authority to condemn this activity, provide support for effective law enforcement, and clearly establish its opposition to the elements that disrupt orderly society.

While there may be a natural inclination to be disturbed about youthful behavior, I want to make it clear that the vast majority of today's youth are deeply concerned about moral values. They have high standards of personal conduct and most of them do respect law and order. The idealism of huge numbers of youth on our college campuses and elsewhere reveal substantial spiritual beliefs and a solid acceptance of daily citizenship responsibilities. Those involved in criminal acts represent a decided minority, but we can't afford to turn our heads and hope it will go away -- <u>it will not</u>.

It is recognized that some disturbances on campuses have required the application of considerable police force to restore order. There is no doubt that some circumstances dictate the presence of large numbers of police officers. Addison H. Fording, Chief of Police, Berkeley, California, remarking on the University of California in late 1964, is quoted in *The Police Chief* magazine, Volume XXXII, No. 4, as follows:

> *Chief Fording pointed out that approximately 830 police officers participated in the 27-hour ordeal at the University of California. Three hundred officers arrested and transported 773 persons during the 12-hour period of sustained police operations. Two hundred officers were used to maintain police lines to prevent interference with the external transportation of arrested persons to detention locations and to control crowds that gathered in the immediate area of the rebellion to observe and in some cases to harrass and obstruct the police operation.*

Such massive action exposed a major population area to minimal police protection. It further was a damaging blow to existing police budgets. *The Police Chief*, Volume XXXII, No. 4, offered the following statement on estimated costs:

> *All of this resulted in estimated police expenditures of something in the neighborhood of $25,000. Chief Toothman estimated the Oakland Police Department costs at between $8,000 and $9,000; Sheriff Frank Madigan set his costs at more than $5,000; the California Highway Patrol said that $6,000 had been its costs in man-hours; and the Berkeley Police Department costs were around $3,000. In addition, Sheriff Madigan later reported it was expected that probation report costs alone would be more than $50,000.*

It would appear the policing agencies, although critical of the academic management of riot-induced problems, stand ready and willing to assist in the maintenance of law and order. It is to their credit that they suffered through these trying times in comparative silence. The effects of discipline are so evident in their behavior that we wish such disciplines would rub off on our dissident colleagues, of which there seem to be increasing numbers.

ACTIONS

The problems which have beset the University of California have attracted the attention of all campus administrators as well as policing agencies throughout the country. *The Police Chief* magazine of April 1965 printed a dual article dealing with this protracted disorder. Much has been written concerning the background and causes for this serious disturbance. One of the articles covered the background of the demonstrations and it was titled "The Rebels," The other article was titled "The Law" and it is this latter presentation we wish to include for reasons of its objectivity and direct relation to campus security. Also presented is a

statement of explanation, presumably offered by the editor of *The Police Chief*, which offers some perspective on the articles which followed. This last statement merits inclusion as well.

> *Beginning in September and running through December of 1964, a large number of students at the University of California in Berkeley engaged in illegal demonstrations against the University administration. Culminating in the arrest of 773 persons.*
>
> *As the alumni publication, California Monthly, stated. "There is no simple explanation for the huge and unparalleled groundswell of protest that disrupted the ordinary life of the Berkeley campus throughout the fall semester. Unquestionably, the causes of the student revolt were many, the results even more ranging, and the interplay of forces set in motion by a bewildering sweep of events, a matter that even a careful historian, armed with pertinent documents and writing at a safe distance, would have difficulty interpreting with a high degree of certainty."*
>
> *The following articles will not attempt such an interpretation and it is not their purpose to study and report on the administration-student strife as such. But rather, these articles intend to explore only issues germane to the police interest except where attendant facts are necessary for the sake of clarity.*
>
> *Because the demonstrations used the classic tactics and techniques employed by the type of civil disobedience protest movements with which police are being faced more and more, these articles are prepared with the hope that there can be gleaned from them intelligence and guidelines for police officials who may be confronted with similar disturbances.*
>
> *One of the more alarming aspects of these student demonstrations is the ever-present evidence that the guiding hand of communists and extreme leftists was involved. As Berkeley Chief of Police Addison H. Fording* pointed out, "According to those experts who are best infomed regarding communist plans for world domination, a basic objective is to capture the minds of students and whenever possible to take over institutions of higher learning."*
>
> *Chief Fording suggested that these articles be prepared for the information of his colleagues in the police profession since "similar agitation has already started in other colleges in this area and there is every reason to believe that the planning calls for extending this type of activity to schools throughout the nation. Many chiefs are likely to be faced with problems similar to those which we are encountering."*

- - - - - - - - - - - - - - - - - -

* *Addison Fording was Chief of Police, Berkeley, California in 1965.*

There is a great deal of significance in Chief Fording's remarks, bearing in mind that there are more than 2,000 institutions of higher learning in this country and the enrollment soared to a record 5,320,294 students in the Fall of 1964, an increase of 10.8 per cent over 1963 and an all-time high record.

Indications of continued police involvement in such disturbances are implicit in a January 1965 U.S. Supreme Court decision which upheld the basic premise that demonstrators must be peaceful and they may be curbed if public order requires.

. . . AND THE LAW

While political demonstrations by students have been happening for a long time in Latin America and some European countries, similar disturbances in the United States are somewhat unique.

The University of California student revolt has shown, however, that U.S. police will be faced henceforth with a much more serious situation than they have experienced in the panty raids and pep rallies which have spilled over from campuses during mid-semester, Labor Day and Summer's-end exuberance by young students

Adequate preparation is therefore essential because of the many complex problems and the sensitive nature of today's methods of defying authority.

President Clark Kerr of the University of California sounded a warning for others when, a month after the California disruptions, he said, "This new generation of student activists also has a new tactic--civil disobedience. The technique was developed for Alabama and Mississippi, but is easily transferred. I misjudged the FSM's willingness to use this tactic.

"When we didn't give in to their early demands, they went to civil disobedience like that! They set up tables, they blocked the police car, they sat in. They took us completely by surprise."

Now that the students at the University of California have exhibited the tactics they are willing to use and now that they have shown their persistence and dogmatism, there is little reason for University administrators or law enforcement authorities to be so easily shocked again.

BLUEPRINT FOR COUNTERACTION

The outstanding job done by the various law enforcement agencies in California which bore the brunt of this precedent-setting revolt is one of which they may be very proud, and police executives across the country can thank them for providing a blueprint for counteraction. The commanding officers of the departments involved had the disadvantage of being first, and they realize that not every procedure was completely correct or successful but they also have the knowledge that from their actions there are lessons to be learned by themselves and their colleagues.

Because they were eyewitnesses and because their reports were prepared soon after their experiences, a great deal of the following material will be taken verbatim from them, particularly from the reports of Chief A. H. Fording of Berkeley whose department had the task of actually performing the arrest and removal of the demonstrators, or, as he put it, moving "something in excess of 50 tons of dead weight."

Some of the chronology of events will be repetitious, but it is necessary to set the stage for the various critical situations which constantly confronted the police.

Let's, therefore, go back to the first time the police became overtly involved in the student revolt.

The trouble had begun on September 21, 1964, when student factions and the administration ran head-on in connection with University regulation of political action on the Berkeley campus.

Student and off-campus political agitators began a deliberate and carefully organized assault against the University administration and the Regents' rules with a series of mass protest meetings and sit-in demonstrations on Monday, September 21, 1964.

In the absence of violence, there was no need for Berkeley action, for although the University is located in the City of Berkeley, it is policed entirely by the University of California Police Department. By written agreement the Berkeley Police Department provides assistance when it is called upon to do so by the Chief of the University police.

On September 30, some 500 students staged a massive sit-in in Sproul Hall, the University administration building.

The University reacted to the demonstrations by placing eight student agitators on indefinite academic suspension.

At 11:30 a.m., October 1, representatives of the Dean's Office and the University police were instructed to enforce the rules prohibiting illegal activity and if necessary to arrest non-student violators for trespassing, Section 602 (L), California Penal Code, if they failed to comply with the order.

Moments later they arrested Jack Weinberg, a former student and active member of CORE. The arrest was made in a crowd of approximately 1,500 students, just five minutes before a scheduled protest demonstration and the noon classroom break. The prisoner immediately resisted by going limp and yelling for help. Two University of California Police Department officers started toward the administration building with the prisoner. They had no more than started when they observed an unmarked University police car move into the crowded Mall in front of the administration building. They turned back toward the car. The crowd closed in, and they had to fight their way through to place the prisoner into the vehicle. Approximately 500 demonstrators surrounded and immediately immobilized the vehicle, the officers and the prisoner by lying and sitting around the vehicle. Simultaneously, several demonstrators climbed onto the car. One stepped to the roof of the vehicle and addressed the crowd.

For the next 32 hours until 8:00 p.m., Friday, October 2, when the University administration, represented by President Clark Kerr, signed an agreement with the demonstrators, the prisoner remained in the car attended by police and surrounded by the mob.

Although observers from the Berkeley Police Department were present throughout the demonstration, officers were used only when requested by University authorities. During the three days of the sit-in demonstrations (September 30, October 1 and 2), a total of seven calls for assistance were received from the University police. Twice, in response to a call for mutual aid assistance, Berkeley officers and a contingent of deputies from the Alameda County Sheriff's Office were dispatched to the campus to perform a police action. When it became clear that University officials were not ready to take direct action, the officers were recalled from the campus.

On Friday, October 2, the University announced the intention to take police action and again requested mutual aid assistance. Six hundred forty-three officers from the Berkeley and Oakland Police Departments, the Alameda County Sheriff's Office, and the California Highway Patrol were assembled on the campus, briefed and prepared for action within the period of three hours. At 6:00 p.m., the time selected for police action, the police command group was notified that representatives of the University and the demonstrators were negotiating and that the operation should be delayed. At 7:10 p.m., the dispute was compromised and the police forces dismissed.

INACTION HARMFUL TO POLICE

The unfortunate aspect of the police role was readily apparent to the commanders on the scene. Said Captain William P. Beall of the Berkeley Police Department, "The presence of the police without action, in our opinion, was detrimental to officer morale and public respect for law enforcement."

Chief of Police Edward Toothman of Oakland, California, voiced this same opinion in no uncertain terms by declaring, "Five hundred police showing up did more harm than good. They should not have been called if they were not to be used. The mobilization of the police on the campus resulted from the lack of clear instructions from University officials as to just what their plan of action would be. It's not right to assemble police merely as a threat; either the situation should be resolved beforehand or else the police should be called in and used within the framework of their responsibilities."

While the first consideration, of course, is to avoid direct action which might cause bloodshed, if concessions are to be made it is fairly obvious they should be made before the police are called and not after they have made a show of force. Such a procedure suggests police impotence and merely gives the demonstrators one more symbol of glorious victory as the police are forced to retreat.

POLICE IGNOMINY DESCRIBED

Jim Hazelwood, a reporter for the OAKLAND TRIBUNE, described the ignominious police position thusly. "Oakland, Berkeley and the University police units began crowding into the basement corridor of Sproul Hall at 5 p.m.

"Others arrived within the next 30 minutes until the normally staid and quiet administration building was bristling with armed men. They waited in hot, stuffy corridors for two and one-half hours, shedding their uniform coats from time to time, as the heat generated from hundreds of persons crowded together became almost unbearable.

"At 7:30 p.m., there was definite word of a settlement between university authorities and demonstrating students.

"The Oakland motorcycle detail, which was scheduled for normal duties, roared off, causing a mild panic among some of the demonstrators. At 7:33 p.m., the last order of the night was passed around by word of mouth to the special force, and the perspiring officers breathed a sigh of relief.

"The order was '938' -- police department code for "cancel last assignment.'"

The policy-making posture of the University officials was never to become clearly defined even up to the unruly sit-ins which began in December.

Sheriff Frank L. Madigan of the Alameda County Sheriff's Department stated that between October 2 and December 2 several meetings were held between members of the University of California administration staff and law enforcement representatives of the University of California Police Department, the Berkeley Police Department, the Oakland Police Department, the California Highway Patrol, representatives of the Alameda County District Attorney's Office, and the Alameda County Sheriff's Department.

Although a plan of action was being sought in the event of another sit-in demonstration, Sheriff Madigan said, "The meetings that were attended by administrative representatives of the University of California were unproductive in that the law enforcement representatives were never advised what the University planned to do in the event of another sit-in demonstration."

Members of the participating law enforcement agencies went ahead, however, and formulated a plan which would be placed into operation in the event a sit-in demonstrations should occur and the University should request that Penal Code statutes be enforced.

POLICE COOPERATION

The initial planning phases and, in fact, the entire operation up to and through the arrest, booking and detention of the demonstrators were an outstanding illustration of cooperation among law enforcement agencies.

The plan for the use of the various agencies, according to Sheriff Madigan, was as follows:

University of California PD

Continue routine police duties at the University, such as traffic control, etc., and to assist in the general administrative responsibilities at police headquarters.

Berkeley PD

Responsible for making the arrests in Sproul Hall after first inviting each participant sit-in to leave without arrest. All arrestees to be afforded the opportunity to submit to

arrest and walk out in a dignified manner. Arrests to be tape recorded and subjects photographed. Arrest Identification forms to be made for each person arrested. The identification form to contain the name, charge, identification number and name of arresting officer, the form to accompany the subject when transported to the identification desk. Single fingerprint impression to be placed on the identification form, and copy of the arrest identification form to accompany subject to custodial facility for formal booking.

Alameda County Sheriff's Department

After arrest made by Berkeley PD, transport subject to the identification desk. Search subject for weapons, take a single fingerprint impression on the identification form, and take an identification photograph with the identification number assigned at the time of arrest. Transfer subject to the Sheriff's department bus and transport to the Santa Rita Rehabilitation Center (County Jail), or other custodial facility for formal booking. To perform other law enforcement duties as needed.

California Highway Patrol

Serve as perimeter guards for the prisoner loading area outside of the building and adjacent area where the "sit-in" is taking place. Provide emergency support squads for disorderly incidents inside Sproul Hall.

Oakland PD

To provide reserve manpower if additional support needed and relief in the event of a prolonged police action.

The law enforcement agencies agreed: (1) to restrict themselves to the predesignated assignments and duties as independent organizations coordinated by the heads of each department or their designated representatives; and (2) should a riot occur or the protection of life and property dictate the need for immediate and emergency action, the Sheriff would assume command and utilize the manpower and equipment available.

ARREST SQUADS TRAINED

In the meantime, the Berkeley Police Department hand picked arrest squads and trained them for the unusual task of learning how to develop and utilize safe and efficient methods of arresting and removing limp, struggling and other types of non-cooperative subjects. Techniques were developed in simulated sit-in situations so that each officer, in addition to learning his job, also learned how it felt to be handled. Much effort was devoted to insure that arrests could be made carefully and with no more force and effort than needed to accomplish the police objective.

Arresting officers were instructed to avoid any provocative language or action and to conserve as much energy as possible to reduce the chance of personal injury due to exhaustion.

Captain Beall said that his arrest squads spent a great deal of time in the department's gymnasium practicing procedures in connection with the physical handling of those to be arrested.

"The squads practiced on one another," he said, "analyzing and solving all sorts of situations. We practiced removing subjects from corners and from narrow hallways. We devised and practiced techniques for unlocking arms and methods for the actual physical movement of the subjects. It soon became apparent that dragging the subjects was preferable to trying to lift the limp bodies. Admittedly, this procedure is undignified, but it is probably the most humane since there is less chance of injury to the subjects and to the officers."

Berkeley Police used three squads, each consisting of a sergeant, a photographer, a recorder, two arrestors, four persons to transport the subject, and a policewoman. Squads could be consolidated if necessary or they could perform as independent units doubling or tripling the arrest lines to accelerate the arrest and removal procedure. (In actual practice, of course, circumstances forced certain modifications of the plan.)

The men who were assigned specific duties such as handling cameras, tape recorders, arrest forms, searches, etc., were all given instructions suitable to this particular mass arrest situation.

When December came, the police were prepared, and to law enforcement officials it was clear what their role and responsibilities would be under existing agreements.

POLICE DUTIES CLEAR

The duties and responsibilities of the University and the Berkeley Police Departments had previously been carefully defined in the written orders and policies of the two departments. While these agreements made it possible for the personnel of both departments to work together with a high degree of cooperation and consistency, they had no effect upon the legal responsibility or jurisdiction of either department. By agreement, the University Police are responsible for and render all police services within the traditional boundaries of the campus. They also perform certain specified services to off-campus University facilities. By agreement, the Berkeley Police Department provides assistance on the campus only when it is called upon to do so by the Chief of the University Police.

According to the Attorneys for the City of Berkeley, the County of Alameda and the University of California, both departments have concurrent jurisdiction on the campus and both are legally obligated to enforce the laws of the State of California on the campus, and failure to perform such a duty is a violation of the Criminal Code of California.

The Government and Penal Codes of California provide that the Sheriff of the county is also duty-bound to preserve the peace, disperse unlawful gatherings and to make arrests of those who refuse to leave after they have been commanded to depart from the scene of an unlawfull assembly.

The Police and Sheriff's Departments have no duty or responsibility to enforce regulations or rules promulgated by the Regents or any other governing body of the University. Enforcement of University rules, on the other hand, is the exclusive responsibility of University officials.

Before the December demonstration began, the University administration was notified that local law enforcement agencies would support the UCPD in case of an unlawful assembly, riot or other violation of State law, providing that violators of the law were first informed that their actions were interfering with the operation and purpose of the University, that they should desist or be prepared to suffer disciplinary action, and that the University administration was willing to declare the condition to be an unlawful assembly and order its abatement.

It was agreed that the University would retain command in any future police action on the campus until it was clearly beyond the ability of the combined forces of UCPD and the Berkeley Police Department to control the disorder. Command would then pass to the Sheriff of Alameda County (as required by law).

Each department responding to a mass, disorderly sit-in was to function independently within the area of prescribed responsibility. (Coordination was to be achieved through the chief officers of the cooperating agencies.) Personnel of the various departments were under the immediate control and command of their departmental supervisors. Berkeley officers were to carry out their phase of the operation according to plans prepared in the Patrol Division and under the direction of the commanding officers of the division. Captain Beall and Lieutenant B. R. Baker, subject to the direction of Chief of Police A. H. Fording.

SETTING THE SCENE

While it is repetitious, let's set the scene again from the police viewpoint as described by Chief Fording: "The Sproul Hall sit-in took place as planned at 12:30 p.m. on 12-2-64. An estimated 1,300 persons marched into the building, following a noon rally and at the direction of a principal spokesman for FSM. They carried food, blankets, sleeping bags, personal possessions and a repertoire of entertainment and organized activity.

"At 3:00 p.m., UCPD reported that a meeting of the University officials would be held after 6:30 p.m. to determine the kind of action to be taken at Sproul Hall. Thirty-two members of the Berkeley Police Department were notified that they were to be on call from 7:00 to 2:00 p.m. The alert was to terminate automatically at 10:00 p.m.

"At 4:00 p.m., a chief administrative officer of the California Highway Patrol called to inquire about the campus disturbance and to report that he was enroute to Sproul Hall.

"Equipment necessary for a large-scale police operation was prepared for movement to the campus.

"Between 6:45 and 7:15 p.m., Lieutenant M. F. Chandler of the University Police Department went from floor to floor to inform the demonstrators that Sproul Hall was closed for the night and that they were to all leave so that the doors could be locked and the building secured.

"About 200 persons responded and walked out of the building. At 9:00 p.m., Captain Beall and I met with University officials, representatives of the Alameda County District Attorney's Office, and the California Highway Patrol at UCPD Headquarters in Sproul Hall.

"At 10:05 p.m. the alert was cancelled for members of the Berkeley police crowd control unit.

GOVERNOR ORDERS ARREST

"At 10:50 p.m., Governor Edmund G. Brown telephoned the office of the University of California Police Department to inquire about the invasion of Sproul Hall and to order the law enforcement agencies of the State and County to remove the demonstrators from the building as quickly as possible. He informed the Commanding Officer of the California Highway Patrol, Supervising Inspector Daniel O'Connell that the Sproul Hall rebellion was no longer a matter for the administration of the University of California inasmuch as it appeared that anarchy existed on the campus. He directed the Inspector

to inform the local law enforcement agencies to take whatever police action was necessary to restore order on the campus.

"Law enforcement officials from UCPD, Berkeley, the Alameda County Sheriff's Office and the Highway Patrol immediately met to develop an operational schedule and to prevent the early release of information that would attract additional crowds of spectators to Sproul Hall.

"Manpower commitments for the operation consisted of:

AGENCY	NO. OF OFFICERS	ASSIGNMENT
UCPD	22	Building security, communications, administrative posts.
Berkeley Police Department	32	Arrest and removal, photography, recording, case preparation.
Alameda County Sheriff's Office	155	Transportation, identification, removal and custody of arrested persons, perimeter control outside the building.
California Highway Patrol	158	Perimeter control, outside police lines, reserve squads for use in emergency conditions.
TOTAL OFFICERS	367	

"At 11:20 p.m. off-duty members of the Berkeley Police crowd control unit were notified to report to duty at 1:00 a.m.

"At 2:00 a.m., the Berkeley detail was moved to Sproul Hall for preparation and briefing.

"At 3:00 a.m., approximately 350 officers were assembled, and the police operation was ready to proceed.

"Earlier, FSM supporters had abandoned the first floor of Sproul Hall in a rush to pack the upper floors and to make their removal from the building as difficult as possible.

"At 3:10 a.m., the Chancellor of the University accompanied by UCPD officials, visited each floor of the building to inform the demonstrators that it was closed and that those who refused to leave would be in violation of the law and subject to disciplinary action. He commanded all present to leave. The Chancellor was followed by a member of the UCPD who declared the demonstration to be an unlawful assembly and ordered all who were present to leave the building at once. It was estimated that 100 or more left the building following the admonition by the University officials.

POLICE BEGIN ARRESTS

"At 3:20 a.m., three squads of Berkeley officers moved to the fourth floor of Sproul Hall to begin the task of clearing the demonstrators from the building."

Lari Blumenfeld, a reporter-photographer for the BERKELEY DAILY GAZETTE who was on the scene throughout the period immediately preceding and during the actual arrests, wrote, "So quietly no one really knew what was going on, Berkeley policemen went up the elevator to the fourth floor. A plan of action for just such an emergency was quietly and efficiently put to the ultimate test."

Chief Fording's narrative continued, "Prior to the first arrest the massed sit-inners were told by a Berkeley Captain that Governor Brown had ordered the law enforcement agencies of the County and State to restore law and order on the campus and to remove the demonstrators from Sproul Hall. They were informed that everyone was free to leave the building and that the officers would arrest those who refused to go. They were also told that arrests would be made for trespassing and failure to leave an unlawful assembly, and that bail would be set at $75.00 for each offense. Those who refused to submit to arrest and walk out of the building or who physically resisted arrest would be charged with an additional count of resisting and the bail would be increased accordingly.

"The arrest squad consisted of a Sergeant, a recorder, a photographer, two arresting and four transporting officers and a policewoman.

"Each subject was notified by the Sergeant that he or she could leave without arrest, submit to arrest and walk out, or be carried or dragged.

"Officers were instructed to escort all physically handicapped persons from the building. Those who were under a doctor's care or were recovering from illness or injury were asked to inform the officers so that they could be removed from the building.

"Persons who elected to stay were placed under arrest, given an identification number, photographed in the presence of the arresting officer and carried or dragged, depending upon the kind or amount of resistance, from the corridor to the elevator. Conversations between the arresting officer and the subject were recorded."

POLICE PATIENCE DESCRIBED

Because it provides an unbiased account of the painstaking efforts employed by the police to carry out their responsibilities as professionally as possible, it is good to quote a story by newspaper reporter Sam Blumenfeld of the SAN FRANCISCO EXAMINER who wrote, "The biggest mass booking in California's history was carried out yesterday with one of history's most remarkable examples of continuing courtesy.

"It was a bending-over-backward type of courtesy as teams of arresting officials--a deputy district attorney in business suit and usually three uniformed officers--performed the rite of arrest.

"First the team would squat by a prone demonstrator and the deputy district attorney would ask:

"You are violating the law. Would you care to leave the building quietly?'

"A uniformed officer with a tape recorder would record the answer, almost always a 'no'.

"Then an officer would observe, 'You are under arrest. Will you submit to arrest quietly and walk out with a policeman?'

"Again the answer was recorded, usually a preference to remain limp and be carried out.

"As a last formality, one officer would pencil a large number on an 8-by-10 inch sheet of paper and would place it on the demonstrator's chest.

"Two of the uniformed team would hoist the prostrate demonstrator to sitting position while a third officer snapped a picture. The prisoner's name was asked and recorded with the number of his photograph.

"Then the limp student was hauled to an identification desk which in itself was an innovation.

"To handle the unprecedented misdemeanor traffic, 'field police stations,' complete with identification desks, had been set up on the second, third and fourth floor of Sproul Hall.

"At the desks, the arrested person was hauled to his feet, a print of his right index finger was taken along with his name, age and address and he was searched.

"Men were given the choice of walking down the stairs under their own power. Women were herded into elevators."

ARREST PROCEDURE

Captain Beall said the specific procedure was this:

The sergeant selected the person to be arrested and asked if he wished to leave voluntarily or be arrested. The conversation was tape recorded.

If the subject wished to leave he was permitted to do so. Eighty-seven persons left voluntarily after the arrest action began.

If the subject elected to be arrested, an officer stepped forward, placed a hand on his shoulder, and informed him that he was under arrest. Simultaneously the officer held a large (12" x 12") card with the arrest number (No. 1 through 773) in front of the arrestee.

The photographer stepped forward and took a picture of the subject and the arresting officer. The photograph shows the defendent in the act of committing the offense. It also connects the subject, the arresting officer, and the arrest number.

The arresting officer filled out the arrest identification form by noting:

Arrest Identification Number (the same as number on the card)
Name of the defendant
Date, time and place of arrest
The specific offenses
Bail

A team of transporting officers removed the subject taking with them the arrest identification card and arrest number card.

Transporting officers were instructed to stop if the subject went limp or resisted so that a second photograph could be taken to show the act of resistence (This step desirable but not necessary.) One officer held up the defendant's arrest number card to insure identification. The second photograph serves to support the officer's testimony concerning the defendant's deliberate attempt to obstruct the officer in the performance of his duty.

If the subject was a female a policewoman accompanied the transporting officers to the temporary detention quarters.

Arrested persons were taken to an identification desk en route to detention. In the meantime, the arrest squads continued to arrest, tape, photograph, and remove the demonstrators so that the process of arrest and removal involved a continuous activity.

At the identification desk, the arrest identification card was reviewed for accuracy and completeness and the defendant's right index fingerprint was placed at the top of the card. A third photograph was taken at this point with a Polaroid camera so that a photograph of the subject could be attached to a copy of the arrest identification card for forwarding to the place of detention. All arrested persons were searched at the identification desk, enroute to the temporary detention room. All women were removed to private quarters and were searched by policewomen.

Two additional copies of the arrest identification form were prepared with a copying machine. The original card was retained for use by the arresting officer. One copy, with photograph, followed the prisoner and the remaining copy remained with University police authorities.

Arrested persons were held in temporary detention quarters until there were enough for a busload. All were transported to one of several detention centers where they were formally booked and identified, pending their release on bail.

Motion pictures were taken throughout the demonstration.

PROBLEMS ENCOUNTERED

In summarizing the affair and reflecting on some of the highlights, Chief Fording also made the following observations:

"Seventy-one persons were transported from the fourth floor to the basement by elevator between 3:45 a.m. and 5:48 a.m. One hundred and nine were taken from the third floor in a similar manner between 6:15 and 8:35 a.m.

"At 8:35 a.m. the arrest operation was transferred from the third to the second floor following the eruption of violence among the second floor demonstrators.

"Earlier in the morning ropes had been dropped from the second floor balcony windows to the steps of the main entrance to Sproul Hall. People were climbing and descending the ropes and hoisting supplies and materials into the building. Just prior to 8:00 a.m. the second floor demonstrators set up an improvised public address system in the window balcony overlooking the plaza and called for help from the groups assembled in the plaza outside the building. For a short time a principal subject of the October disorders, Jack Weinberg, used the public address system to appeal to the crowd. He was arrested

and removed from the area in spite of the efforts of many who attempted to interfere by throwing themselves in the way of arresting officers.

"Later the public address system was reassembled and the second floor contingent continued their appeal to the crowd in front of Sproul Hall. A reserve detail of officers was dispatched to the second floor to secure the balconies and cut off the amplifying system which was attracting the attention of spectators and sympathizers. The officers were blocked and assaulted by demonstrators who became so aggressive that their own leaders admonished them for their behavior and for conduct contrary to the principles of non-violence. Four officers were injured in the skirmish when they were pulled down by the crowd. One was struck on the head with a police baton, two suffered leg and back injuries, and one sustained a serious leg and knee injury and was hospitalized. The officers were withdrawn when it became apparent that it would be necessary to use additional force to secure the balcony which would in turn increase the danger of injury to the demonstrators.

"At 8:00 a.m., 204 Oakland officers reported to the campus to relieve Alameda County Sheriff's Deputies who were needed elsewhere in the county and to reinforce police lines both inside and outside the building. By 8:30 a.m., approximately twenty-five per cent of the demonstrators had been arrested and removed from the building. Six hundred remained to be cleared and it was apparent that the procedure would have to be accelerated if cooperating agencies were to avoid a major disruption of service in their own communities.

"Two parallel arrest lines were established and the identification procedure was transferred from police quarters in the basement of the building to the second floor, adjacent to the arrest area.

"A single elevator of limited speed and capacity serves all four floors of the building. With very few exceptions the women were transported from the upper floors to the basement by elevator. Male students had the option of walking or being pulled down the stairs. In each instance the decision was made by the arrestee.

"At 10:00 a.m., three fresh squads of Berkeley officers were brought in to relieve the first shift. All members of the early detail had worked a normal eight-hour day before reporting for the student disturbances and several officers had been on duty in excess of 20 hours. By 10:00 a.m., a total of 300 demonstrators had been arrested and taken from the building.

"At 11:00 a.m. an estimated 3,000 people were assembled in front of Sproul Hall to listen to pleadings from the second floor sit-ins and from a group of speakers on the outside, including one who claimed the distinction of 'escaping' from the police who were still urging those who would listen to leave voluntarily.

"On the second floor, demonstrators had smashed two balcony windows. At the main entrance one of three sets of doors had been barricaded and tied shut on the outside and a public address system set up for an impromptu rally. A detail of officers was sent out through another set of doors to clear the crowd and remove the public address system, but was withdrawn when it appeared that a major conflict was about to occur. A faculty member offered to assist and was nearly assaulted by some members of the crowd when he sought help to remove the barricade and clear the area directly in front of the doors.

"At 1:30 p.m., the last of 435 demonstrators was removed from the second floor.

"The arrest teams returned to the third floor to complete the task of removing the last group of sit-ins. The final arrest was made at 3:35 p.m. and ended the 27-hour occupation of Sproul Hall by FSM adherents."

HISTORICAL REBELLION

Chief Fording also commented that the rebellion at Sproul Hall was believed to be the largest and perhaps one of the most serious cases of mass civil disobedience in the history of the State of California.

Newspapers also speculated that, "No one could think of any similar outbursts of student defiance--for any cause whatsoever--in American history, or at least any one resulting in so large a number of arrests." The nearest number ever locked up in one day was believed to be the 111-mark set by just generally riotous youths on a destructive holiday lark in March, 1961, in Fort Lauderdale, Florida, said the SAN FRANCISCO EXAMINER.

PUBLIC SERVICE PROBLEMS

In addition to curtailing the rebellious students, the police had a number of other public service problems. For instance, there was the danger of fire in the packed corridors of Sproul Hall.

"If there had been a fire or a cry of fire," said Chief Toothman, "we could have had one of the worst tragedies in U. S. history."

At another time so many students crowded upon a balcony it was in danger of collapsing and they had to be removed, over their objections and resistance, for their own safety. During one period, a demonstrator suffered an epileptic seizure in the crowded square in front of Sproul Hall and a great deal of difficulty was experienced in removing the victim to the hospital.

Captain Beall pointed out that during the October disorders while agitators constantly and vociferously objected to the presence of police, they repeatedly demanded police protection when anti-FSM groups threatened to interrupt their demonstration.

The DAILY CALIFORNIAN, the University student newspaper, also took notice of this paradox in an October editorial, "Last night the students became a mere mob, with a police car for their symbol. No one can rationally justify the simultaneous defiance of authority on one hand, the expectation of protection on the other. We feel that under the circumstances the demonstrations have dissolved into a morass of distorted goals, inconsistent means, and blindness to their fallibility."

FALSE BRUTALITY CHARGES

The tactics of the FSM also served to emphasize the need for law enforcement agencies to preserve their image against the false, inflammatory and well-planned charges of police brutality. Seconding Chief Fording's observations in this respect, Sheriff Madigan said that this was a technique well organized and utilized by the student rebels.

"Their purposes were plainly obvious," the Sheriff said, "For instance, FSM spokesmen instructed everyone who was arrested to go to the University hospital and report injuries. When the physician on duty asked several what they were doing there, they replied that they didn't know, they were there because they had been told to report to the hospital. Those who showed up, however, could display no injuries."

This points up the need for the police to insure that observers, preferably unbiased ones, are present at public medical facilities where demonstrators seek treatment for alleged injuries. It also vindicates the planning by the California authorities who foresaw the need for official medical officers.

In retrospect, Chief Toothman made a number of pertinent evaluations of what had transpired and what was learned from the handling of the demonstrations. Said he, "The disdainful attitude for police by the students, their disrespect and lewd remarks were enough to test the patience of anyone and demonstrates the need for well-disciplined policemen who can be above such aggravating tactics.

"The students totally ignored the precept of restraint among free people, but it may be the healthiest thing that has happened at the University since it stressed that they have responsibility just as everyone else has. In such a situation there must be a demand by the police for complete adherence to the law, but by the same token the police must handle their responsibilities with dignity and within the bounds of their authority. A great deal of latitude should not be given to the demonstrators any more than it should be given to anyone else who breaks the law. When the law is violated, they would be given notification of the violation they are committing and if they refuse to desist, then the full force of the law should be applied. Civil disobedience is a criminal violation and transgressors must be treated like any other person who violates the law. They should be given the same courtesy shown to any other lawbreaker but there is a definite line over which, once it is crossed, there can be no retreat by the violator. He either does or does not violate the law, and we must respond accordingly.

"It is good to have conferences beforehand with demonstration leaders and lay out a firm blueprint of what they must conform to in order to remain in the realm of peaceful demonstration and what actions will constitute a law violation and resultant immediate response by the police. It is also important, therefore, that representatives from the District Attorney's Office be present at all times to provide legal advice all along the way in order to insure the legality of police actions and to avoid any missteps which might be used later in court as loopholes by clever attorneys."

EVOLUTION OF STUDENT DISORDERS

Campain Beall summed up the entire matter by saying that a review of his experience in Berkeley and of the records of the Berkeley Police Department give a very clear picture of what has happened over the years to university campuses. He said that during the 1930's and '40's and up to 1957 the most noticeable outbursts on and off campus involved Big Game Week, panty raids and water-bag battles during the warm months. Even in those days, he observed, student disorders were successfully prevented and controlled by University officials who combined their efforts to develop advance planning procedures and a policy of strict law enforcement.

About the first responsiveness of students to political events occurred in 1952 with the election of President Eisenhower and a switch from a Democratic to a Republican administration. He said there was a huge demonstration by students at this time but that its build-up had enabled the police to anticipate it and no police involvement to speak of was necessary.

From this point, he continued, the students became more politically oriented and in May 1960, they became embroiled in the demonstrations against the House Committee on Un-American Activities in San Francisco.

"Since that time," Captain Beall declared, "there has been a very definite change in the climate of student demonstrations. I find it interesting to note that there has been a corollary decline in athletics--such as football interest--at the University of California. The issues on campus have been becoming more and more serious and while this is the first time police have been forced to act so intimately, it is something we have seen coming for a long time."

OMINOUS SIGNS FOR POLICE

The lines have been drawn, but in this time of momentary truce there are ominous signs for police who have the responsibility of maintaining law and order. This is the time for adequate preparations to be made to counteract what portends to be an era of unrest and discontent which must inevitably involve the police.

THE TOOLS AT HAND

Most of our APPA members directly supervise the personnel engaged in security work. Since APPA schools run the gamut from small to large, it follows that their security forces will vary in number and sophistication of equipment back-up. Not too long ago the security officer was little more than a watchman with very limited opportunities to engage in minor police activities. Surging campus populations have altered his responsibilities and his job now more resembles that of a modified police officer. Many campuses do not permit the arming of security officers which is a serious handicap in coping with some cases of physical violence. In addition to the lack of arms, he will probably, not soon, acquire the training desired to make him an effective instrument to cope with demonstrations of any magnitude.

It is suspected that most APPA members are bound to pay scales for campus police officers which is scarcely commensurate with other pay scales in their physical plant. This is not uncommon in policing, as witness the comments of Quinn Tamm, *The Police Chief*, Volume XXXV, No. 12, December, 1968.

Today, we have more governmental, sociological and technological experts telling us what is wrong with the police and how to remedy these wrongs than I believe we really need. This change in attitudes has, of course, derived from the fact that the problems of the police--crime and civil disorders--are now impinging directly upon our citizens of all economic and social levels. The congestion in our central cities, the rootless mobility of much of our population, the aura of parental and social permissiveness--all have contributed to increased awareness of the need for professional law enforcement.

Certainly, this awareness has been long overdue. For years, police administrators have been handicapped by deficiencies that executives in other fields find nearly impossible to comprehend. No corporation executive would expect to have a profitable operation if the best salary he could offer his entry-level journeymen was $100 a week. I doubt if he could manage in the straight-jacket of many of the employment practices by which police administrators are bound. I am positive that few businesses could function if they had to operate from the 19th Century facilities which all too many of the police still have to use. And, finally, the advances made in almost every other area of national interest through research and development have been denied law enforcement. The United States spends some $18 billion a year on research and development. The portion of this diverted to law enforcement is so negligible as to be almost non-existent for practical purposes.

Adequate or not, we must consider the campus officer as the one most likely to have initial contact with student-inspired disturbances. He is the one to make the first decision. Is he prepared to make it? He may be and we hope he is. But have we offered him any training which would assist him in such a possibility? Probably not. But many agencies involved in the control of public disorders have planned extensively in this field and it is suggested that their comments merit our review.

The Police Chief magazine in its May 1968 issue carried an article written by Arnold Sagalyn titled "The Riot Commission: Recommendations for Law and Order." Much of this article will be of interest to you.

CONTROL OF DISORDERS

The Initial Incident

Studies of last summer's disorders showed that the way the police and the community responded to and dealt with the initial incident usually determined whether the disturbance remained a relatively minor police problem or developed into a serious disorder. The ability of the police to respond properly to the initial incident, however, has been greatly handicapped. This is due, in large part, to the fact that the average police officer often has little knowledge or understanding of the underlying tensions and grievances that exist in the ghetto areas, where almost all of the disorders have occurred. Such knowledge is essential if a policeman is to exercise the good judgment and common sense required in situations with such a potential for disorder.

The following factors generally determine whether an incident is effectively controlled or balloons into a serious disorder.

1. *The accurate assessment of the initial incident, and the nature and degree of control called for.*

2. *The speed with which sufficient police manpower arrives.*
3. *The proper deployment and decisive use of this force. This will often depend on the presence of seasoned supervisory personnel exercising effective command, control and discipline over the field force.*
4. *Good intelligence and the capability to utilize it for decision making.*

In order to strengthen the capabilities of police forces to respond properly to initial incidents the Commission recommended:

. *The assignment of seasoned, well-trained police and supervisory officers to patrol ghetto areas and to respond to civil disturbances.*

. *Effective ways be found to make police officers better informed about underlying ghetto tensions and grievances.*

. *The development of plans which will quickly muster sufficient police manpower and highly qualified senior commanders at the outbreak of a disorder.*

Planning

If a riot should erupt, a police department must cease operating as it normally does. It must suddenly convert the police organizational structure and personnel into a different organization with new operational procedures designed to meet the specific control problems created by the disorder. This requires good planning.

A study conducted for the Commission by the IACP showed a clear need for better planning by police departments. Serious deficiencies were found in the mobilization plans of many police departments which could prove critical when put into execution. Operational planning was also disclosed to be weak.

Although unified command and good communications are indispensable in controlling a civil disorder, the Commission found that many police departments which had experienced riots encountered serious difficulties in effectively commanding and controlling the large numbers of men required to work together as a disciplined, coordinated riot control team. This problem was aggravated by the shortage of radio frequencies, as well as the lack of proper police communications equipment. In addition, police found that the paucity of reliable information before and during a disorder critically affected their ability to deal effectively with a civil disorder.

The Commission studies also disclosed serious deficiencies in logistical planning.

To deal with these problems the Commission recommended:

. Model mobilization and operations plans are needed to provide guidelines for police departments and assist them in coping with civil disorders. Such model plans have been prepared by the Commission, in consultation with leading police officials, and have been used as training material in the recent conferences on the prevention and control of riots conducted by the International Association of Chiefs of Police for the Department of Justice. These model plans should be distributed by the Department of Justice to local and state police departments.

. Police departments should give more thought to and plan for the types of disorders that may develop in the future together with the police responses which will be relevant and effective.

. The Federal Communications Commission should make sufficient frequencies available to police and related public safety services to meet the demonstrated need for riot control and other emergency use. (The FCC recently took steps in this direction by splitting some existing frequencies to provide additional channels.)

. The federal government should assume leadership in initiating and funding portable radio development programs which will provide miniaturized communications equipment for police.

. Police departments must develop means to obtain adequate intelligence for planning purposes, as well as on-the-scene information for use in police operations during a disorder. An intelligence unit staffed with full-time personnel should be established to gather, evaluate, analyze and disseminate information on potential as well as actual civil disorders.

. To cope with the ever-present problem of rumors, every community should have the machinery for neutralizing rumors. A rumor collection center will enable police and other officials to counter false and inflammatory reports by giving accurate information rapidly to community leaders and others in troubled areas. Evaluation of rumors also provides important information about potential disorders.

. Logistical planning should assure that supplies and equipment are on hand and in the amount needed. Advance preparations are also essential to handle the large numbers of persons who may be arrested, including facilities to transport, detain, process, feed and house them.

Training

The Commission found that the most critical deficiency in riot control was in police training. This is true with respect to patrolmen as well as supervisory and command personnel. To remedy this the Commission recommended:

- *Departments should immediately allocate whatever time is necessary to reach an effective level of riot control capability.*
- *Training must include all levels of personnel within the police agency, especially commanders. Post-recruit riot training must be a continuing process for all personnel and build upon recruit training rather than duplicate it.*
- *Riot control training must be provided for groups expected to function as teams during actual riot conditions. Required levels of team work can be achieved only through team training. All special riot control units must receive additional intensive training in tactics and procedures, as well as in special equipment and weapons.*
- *Mobilization plans and emergency procedures must be reviewed in the classroom and practiced in the field. All members of the department must be familiar with riot plans at all times.*
- *Mayors and other civil officials must recognize the need and accept responsibility for initiating regional training and coordination with military and state police personnel, as well as other agencies of local governments.*
- *Police agencies must review and become familiar with recent riot experiences so that training programs can be realistically adjusted in the light of anticipated problems.*
- *In order to help law enforcement agencies improve their knowledge and strengthen their capabilities to prevent and control civil disorders, a national center and clearinghouse should be established to develop, evaluate and disseminate riot prevention and control data and information. This center should be part of the proposed National Institute for Law Enforcement and Administration of Justice recommended by the President and awaiting action by the Congress.*
- *National observer teams should be established and assigned to the scene of incipient or developing disorders. These teams would study the effectiveness of control techniques and organization, recommend improvements, and make this information available to public officials. These disorder observer teams should be made an integral part of the proposed national center.*

THE USE OF FORCE AND CONTROL EQUIPMENT

It is well established and accepted that police and control forces use only the minimum amount of force necessary to effectively control the situation. If excessive or indiscriminate force is used, it can create or aggravate a disorder. The police, however, are greatly handicapped and vulnerable

as a result of the very limited and inflexible choice they have in utilizing the appropriate and effective amount of force. This is compounded by the fact that the police often lack sufficient manpower to enable them to achieve control and restore order by a display of force. The policeman's two basic weapons, a wooden stick and a gun, often provide too much or too little force. He lacks a middle range of physical force to enable him to restrain and control persons more humanely and more effectively.

The Army now relies heavily upon the use of a chemical agent, CS, for controlling riots. It is more effective and safer than the traditional tear gas, CN. Moreover, new developments now make it possible to use CS and other chemical agents selectively against looters, snipers and small groups with minimum danger to innocent persons. As a result of its findings the Commission made the following recommendations:

- *Police, whenever possible, should follow the example of the U.S. Army in requiring the use of chemical agents before the use of deadly weapons.*
- *Clear guidelines should be issued on where and how the police may employ the use of chemical agents and other control equipment.*
- *The value of the police baton as an effective low level of force should not be overlooked. Many police departments fail to instruct their men in the proper use of this control weapon, i.e., it should not be used as a club against the head.*
- *The federal government should undertake an immediate program to test and evaluate non-lethal weapons and related control equipment for use by police and control forces.*
- *Federal support should be provided to establish criteria and standards specifications which would stimulate and facilitate the production of such items at a reasonably low cost.*
- *Federal funds should be used to develop appropriate tools and materials for local and state law enforcement agencies.*
- *Police officers must be provided with the proper personal equipment and protective clothing to safeguard them against the threat of bodily harm, including injury from bottles, rocks and other missiles thrown by rioters.*

The Commission stressed the great danger of over-reaction by police and guard forces. It noted that widespread reports during last summer's disorders created the belief and apprehension that many cities were paralyzed by sniper fire and many persons were injured or killed as a result. The Commission found that the amount of sniping attributed to rioters was highly exaggerated, that most reported sniping incidents were demonstrated to be gunfire by either police or national guardsmen.

As a result of its studies and finding, the Commission recommended:

. *Elected officials, police and National Guard officials must take effective steps to prevent the tragic consequences that would result from the indiscriminate and excessive use of force. This will require responsible leadership, maintenance of effective discipline over control forces and development and utilization of reliable intelligence in control operations.*

. *Equipping civil police with automatic rifles, machine guns and other weapons of massive and indiscriminate lethality is not warranted by the evidence. If violence by rioters goes beyond the capability of the police to control, the National Guard should be called in.*

. *We should not attempt to convert our civil police into urban combat troops. Such a development could destroy the concept of civilian police as a public service agency dependent for effective operations on community cooperation and support.*

MUTUAL ASSISTANCE PACTS

. *Police and other public officials concerned should develop mutual assistance pacts with neighboring police departments as a source of additional manpower and resources in the event of a disorder. Even if mutual assistance agreements do not exist, operations should be coordinated in areas where there is adjoining or concurrent law enforcement jurisdiction.*

PROCEDURES FOR REQUESTING OUTSIDE HELP

. *Police departments should be aware of provisions for requesting and ordering state and federal assistance, including who has the authority to make such requests and to order state forces to respond. Departments should determine in advance the manpower available, their response time, and the relationships to be established with them, particularly in command responsibilities.*

. *Local authorities must not wait until the critical moment to alert a neighboring jurisdiction, the state police, or the National Guard. All agencies that may be asked to help control a civil disturbance must be alerted at an early stage and kept informed.*

. *Advance planning for civil disorders should outline command responsibilities which include all state and local officials who will be involved in control operations. Particular care should be given to planning effective communications.*

NATIONAL GUARD

. *Proper planning must insure effective communication among the Guard and the police as well as other appropriate agencies.*

. *National Guard planning must take into account those Guardsmen who are policemen, firemen and other emergency workers. They must be released from active military duty if they are needed in their civilian capacities.*

. *An officer should be on duty at the state Guard headquarters on a 24-hour basis to insure proper contact with state and local*

civilian officials and law enforcement agencies. Guard headquarters should maintain regular contacts with all major state and local law enforcement agencies in order to provide for an exchange of information, particularly intelligence.

. *All states should plan to have Guard cadres, key personnel and even some units, available for rapid call-up during the crucial warm weather months. This will provide a minimum force for immediate aid to local law enforcement agencies and will facilitate full mobilization and development if necessary.*

. *Each state should thoroughly explore the possibility of undertaking joint training between National Guard troops and state and local law enforcement officers.*

. *National Guard units should have sufficient gas masks available for use by police in joint riot control operations.*

The May, 1968 issue of *The Police Chief* carried other articles covering the planning and control of civil disorders. These are so pertinent to the subject they are repeated in almost their entirety:

PLANNING AND TRAINING FOR CIVIL DISORDERS
By
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Civil disorder, the threat of civil disorder, or even the possibility of civil disorder, disturbs the peaceful slumber of virtually every municipal executive in the country today.

No matter the complexity of causative or provacative conditions defined by sociologists with varying degrees of credibility and accuracy--in the end the chief executive of each of these cities is responsible, in the eyes of the public, for any unpleasantness which occurs. The police chief has his responsibilities in the matter, and they are weighty responsibilities, but other departments and echelons of government are similarly involved. In the final analysis, it is the mayor who must answer for the end product.

Since the chief executive bears the burden of ultimate responsibility he must be prepared to exercise his executive prerogatives and authority in a positive manner commensurate with that ultimate responsibility.

While I am well aware that the most desirable solution to the problem of civil disobedience is the prevention of disorder through elimination or minimization of the causes, I will not address myself directly to this subject. That is not to say that I think civil disorder is inevitable. No--what I am saying is that I claim no qualification to delve into the sociological, cultural, and economic complexities

involved. The many causes, their analyses and evaluation, and the prescription for effective prevention and remedial action, certainly present a worthy challenge to the combined talents of those citizens most learned and accomplished in a broad span of professionalism embracing the law, medicine, education, sociology, religion, economics, and politics.

I am a soldier and a policeman. Therefore, it is only appropriate that I limit my observations to those two well-defined areas of concern.

From these points of view I propose to discuss the problems besetting you as responsible law enforcement executives: preparation for civil disturbance and tactical suppression of violence and threatened violence if it occurs.

The mechanics of securing federal military assistance to deal with local civil disorder will be discussed in later sessions of municipal officials and will, of course, reflect the guidance previously furnished each Governor by the Attorney General. Hence, my remarks will cover activities and planning which in many instances will avert the need for federal military assistance in dealing with local disorder.

The use of federal assistance is least likely in cities whose officials have carefully prepared themselves for civil emergencies:

(1) These are the cities that have developed the intelligence capacity which permits the chief executives to keep their fingers on the public pulse--they know when the pot is getting too hot.

(2) These are the cities where imaginative and thoroughly detailed planning has been undertaken.

(3) These are the cities in which police and task-related departments are properly trained and equipped.

Generation and dissemination of accurate intelligence are admittedly essential. The prepared cities develop plans to provide intelligence, both for planning purposes and to assist in determining the nature and location of potential disorder. Avenues for the exchange of information and the integration of intelligence data from outside resources are developed and used. Planning is also necessary to insure generation of on-the-scene information to influence operations during a disorder. Trained personnel should be assigned on a full-time basis to these intelligence duties.

Closely allied to planning for intelligence activities is planning to cope with the ever-present problem of rumors. Distortion of fact often serves as the spark which moves

people to lawlessness and violence. The spread of rumors during disorders serves to inflame people and to intensify disorder--making the control job more difficult. A collection center will enable the police and other responsible officials to counter the rumors by disseminating accurate information rapidly to community leaders in the troubled areas. I believe that Chicago has an approach to this in the establishment of their "Rumor Center."

Planning for disaster--and an outbreak of civil disorder can be a disaster--must be detailed and complete. Drawing up a few abstract, theoretical, academically oriented, strategic schemes which embrace a large measure of "wishful thinking" is not a substitute.

Plans must be flexible and applicable both to the smallest of incidents and to a major riot. Plans must provide for the total mobilization of resources. They must realistically anticipate the diminution of resources which result from typical interruption of normal communication.

Plans must provide for the clear-cut designation of authority and responsibility down to the smallest organization element. Plans must anticipate an increase in activity and operation, but must conform to the typical organizational structure.

Operational and mobilization planning must complement one another and provide suitable command and control procedures, communication, intelligence and tactics. Whether the shift from normal routine police operations to an emergency basis is smooth and effective depends upon the success with which the police can provide unified command control. Under ordinary conditions, a police dispatcher controls the movement of men and equipment from a central position to places around the city. In most police departments the system works well enough--as long as the demands on the dispatcher do not overtax the capabilities of the man or his equipment, and so long as the number of men to be moved, and operations in which they are involved, remain relatively constant. However, my observations have revealed serious problems in commanding and controlling large numbers of police required to work together as an effective, coordinated team. The problem has been compounded by the shortage of on-duty supervisors and command staff at certain periods of the day. It is one thing to assemble a large force; it is quite another to provide that force with appropriate leadership.

Effective command and control in a civil disorder depend to a very large degree upon communications. Adequate operational communications are a matter of prior planning and available equipment. Relatively few police departments have adequate communications equipment or frequencies, and many have no special radio frequency for emergencies. The lack of emergency frequencies with the resulting overloading of normal frequencies may not only preclude effective command and control of police in the area of a civil disorder but may undermine the ability of a police department to provide vital protective services to the remainder of the city. Further, the lack of adequate communications facilities is particularly acute with respect to requesting outside assistance from surrounding jurisdictions, the state police, the National Guard or federal units called in to assist.

This critical communications and control problem arising from the present shortage of frequencies requires immediate attention. Furthermore, miniaturized communications equipment for officers on foot is critically needed to assist in command and control during civil disorders.

We should remember that traditional tactics using various squad formations for dispersing crowds are sound; however, these tactics are of little or no value in disorders characterized by roving bands of rioters who are engaged in looting, sniping, and fire bombing. An awareness of these deficiencies is mandatory and plans must be made to deal with all the anticipated tactics of rioters in future disorders. We must focus our planning attention on the types of disorders that may develop in the future: picketing, marching, sit-ins, rioting, looting, fire bombing, etc. We must plan for the exact response necessary to meet changes in rioting patterns or activities.

Well-prepared cities plan, too, for utilization of outside reinforcements and when to call for them.

One of the more difficult decisions is <u>when</u> to call for them. There are, of course, the practical questions of when outside assistance is actually necessary; and there are political pressures since local officials may be understandably reluctant to admit that local government cannot control the disorder. There are no simple and automatic solutions to these problems. Only experienced judgement can provide answers. Planning, however, can pave the way for immediate assistance once the decision has been made. Additionally, planning must recognize the fact that outside assistance will require lead time adequate for their response.

I have learned from recent civil disorders that there should be built into every plan a graduated series of warning factors which will precipitate requests for assistance. Such warning indicators might be: a need to deploy all available on-duty personnel or to recall men from off-duty; it might be the committment of the major portion of the entire police force, or continued police control measures to a point that brings about excessive fatigue, or that significant sections of the city are left without police protection.

It seems increasingly apparent to me that there exists among all of us in law enforcement the strong tendency to rely too heavily upon our own law enforcement resources. To be more specific: during serious civil disorders to delay too long our requests for outside assistance. I do not refer just to the matter of delaying requests for federal assistance, but also to the matter of deferring the request for state law enforcement assistance. We must continuously monitor the intelligence buildup when serious domestic violence is occurring, and as soon as it is ascertained that local law enforcement resources are going to be insufficient to restore order, it is incumbent upon responsible officials to advise the appropriate authorities of this fact and to request outside assistance, regardless of its source, without delay.

Supplies and equipment cannot be easily procured at the time of an emergency. Every city should execute detailed plans for the rapid procurement of critical equipment. Check lists should be prepared to assure that the required supplies and equipment are on hand and at the various assembly areas, command posts and other locations when required.

It is apparent that many individuals, civilian and military alike, believe that emergency loan of Army resources to local officials for use during civil disturbances is something new and difficult to effect. On the contrary, Army regulations have always provided for this type of assistance. The problem has been that information on the procedures involved has not been fully understood and, in some cases, not disseminated to the lowest levels of command and enforcement. In any case, the Army decided that clarification was in order and directives were sent to all local commanders of installations and organizations located in the 50 states, District of Columbia and the territories. These commanders were informed that they may, within the limits of their resources, favorably respond to your urgent requests for military equipment of a protective nature. To expand somewhat: an urgent request is one that states disorder has broken out and equipment such as helmets, protective masks, armored vests, fire-fighting equipment, is needed immediately. If this same type of protective equipment is needed in anticipation of disorder, local officials -- you -- must inform

state authority. The governor's office or the state adjutant general will process your request through Army channels. On the other hand, it you need weapons, ammunition or riot agents, urgently or anticipated, your requests must go through normal channels--specifically the state government to the Army, to the Secretary of Defense or the Joint Chief of Staff for approval.

My brief and admittedly general discussion of the planning problems clearly indicates that many agencies and their resources must be manipulated simultaneously in order to realize effective total mobilization of resources.

May I suggest the creation, for both planning and operational purposes, of what we in the military would call a task force.

This task force, headed by the chief executive, would bring together, as a command element, the chief of police, fire chief, city engineer, surgeon general, commissioner of public utilities, city attorney and other heads of municipal departments to insure maximum effectiveness in the marshalling of city resources and their considered application to every planning and operational situation.

Assembled for planning purposes, this task force can exercise its common muscle by running training exercises designed to test the effectiveness of planning and identify any areas of weakness. These training exercises, based on scenarios embracing likely emergency situations, will provide an opportunity to test mobilization plans, communications, logistic responsiveness, organizational concepts and the effectiveness of command control techniques.

These tests should extend to the lowest possible echelon in every department concerned and should seek an honest evaluation of effectiveness. The analysis of each test should be brutally objective. The temptation to find reassurance in expressions of "mutual admiration" should be denied in the interests of realistic preparation for emergency.

These tests are not, and cannot be, mechanical or electronic analyses of standard situations based on imaginary environments and fictitious personalities. Instead, the scenarios must be an accurate representation of problems likely to confront the city. The physical, emotional and intellectual overtones of the city and its people must be acknowledged and incorporated into the problem and the testing procedure. Living, breathing, thinking men must be required to identify problems and make decisions. The actual strengths and weaknesses of actual personalities must be reflected in the decision making process.

In short, no standard test problem can be used in all cities. No common denominator can be established. "War gaming" in the Army sense, or similar techniques applied by big business, is not well suited to the testing of municipal civil disturbance test situations.

My short discussion of exercises designed to test planning opens the way to a discussion of training. There is no substitute for careful and imaginative training.

Each department should embark upon a coordinated training program to insure that every man is prepared to discharge his individual responsibilities with confidence. This training must insure that each echelon with the department can function effectively and in tune with contemporary junior and senior echelons. Finally, the program should indicate that the combined departments are capable of controlled and coordinated response to the will of the chief executive.

Combined training of municipal departments and their personnel is certain to generate mutual confidence and understanding of tactics, functions and responsibilities.

This cohesiveness is invariably enhanced when training programs are designed to create a better understanding of sociological, cultural and psychological factors underlying the civil disorders.

Additionally, each department can learn to appreciate the special problems facing the others. This mutual understanding can characterize interdepartmental relationships from the task force headquarters down to the policeman, the fireman, the social worker and the public health official working together in the street.

I have departed briefly from my avowed intention to limit my remarks to the problems peculiar to the police -- let me return.

Police departments, especially in large metropolitan areas, are not readily adaptable to the control of major civil disturbances. Traditional police training emphasizes responsibilities of the individual policeman who works largely independently of his fellow officers. The policeman's routine, day-to-day duties require him to deal with a variety of minor, isolated incidents which usually involve only small numbers of people at any one time. The very nature of his work, riding or walking, mostly alone has meant that he work with little direct supervision or guidance.

The control of civil disturbances, on the other hand, requires training and performance that are almost opposite in nature to those needed for normal police operations. Riot control duty calls for relatively large numbers of group-disciplined personnel, comparable to soldiers in a military unit, organized and trained to work as members of a team under a highly unified command and control system. Indeed, no matter how well trained and skilled a police officer may be, he will be relatively ineffectual in dealing with civil disturbances so long as he functions as an individual in the traditional police manner.

Therefore, when a major civil disturbance occurs, many police departments must suddenly convert themselves into a different type of organization and adopt new operational procedures. The individual officer must stop acting independently and begin to perform as a member of a closely supervised military-type unit.

Additional problems emerge in areas where many contiguous police jurisdictions share a single metropolitan area. Many of our larger cities have developed suburban areas of independent governments, but virtually indistinguishable boundaries. Civil disorders do not respect jurisdictional lines.

Municipal executives faced with this problem should influence detailed coordination between police departments of adjoining areas and explore the possibilities of pre-arranged sharing of resources--both personnel and equipment. The pre-appointment of single commanders and the establishment of joint control systems is frequently desirable.

In some instances, enabling legislation is necessary to secure the desired degree of joint effort. Again, common means of police communication between adjacent jurisdictions is vitally important.

Inevitably when discussing police suppression and control of disorders--we must face the problem of degree of force.

Let me now touch upon the use of force. The basic rule, when applying force is to use only the minimum force necessary to effectively control the situation. Unwarranted application of force will only incite further violence as well as kindle resentment that could convert a minor disorder into a full-scale riot. Ill-advised or excessive application of force can prolong a disturbance.

Just how much force constitutes the minimum necessary to control a situation cannot be measured by verbal formula.

The Army prescribes a standard graduated scale of force in a civil disorder which begins with the display of force, increases to the fixing of bayonets; then the use of chemical agents, and finally reaches the highest degree of force: the use of firearms.

Inability to quickly bring sufficient manpower to the scene of a disorder often denies use of the first weapon of restraint--the prompt display of force. The unhappy alternatives then are either to ignore the disorder pending the arrival of more manpower or to apply the maximum degree of force--firearms.

I regard non-lethal chemical agents as the single most valuable and effective type of middle-range weaponry in controlling civil disorders. Army and National Guard doctrine prescribes the use of riot control agents before resorting to firearms. These are the most humane means of achieving temporary neutralization of a mob with a minimum of personal injury.

Insufficient numbers of protective masks, together with a concern for the large number of non-participants in any area, may recommend against utilizing chemical agents. Some police officials have been inhibited by the unfavorable public reaction to the use of any gas weapon.

The Army prescribes a chemical agent, CS, as the standard non-lethal agent in civil disturbances. This is a fine powder with some of the same characteristics as conventional tear gas. It has, however, proven far more effective than tear gas.

A few police departments have not utilized CS because it is generally believed to present too high a risk. Yet military tests have demonstrated CS to be relatively safe and to have no permanent effects. In addition, the Army has recently developed new container and projectile devices which now make it possible to use CS discriminatingly against small groups or even individuals. I suggest your exploration of chemicals and chemical techniques available to your police departments.

While they are by no means the sole agency concerned with the suppression and control of civil disturbances, the police are undeniably the principal bulwark against public disorder. Traditionally, they are the thin blue line expected to cope with any and all eventualities. There is an unhappy tendency to expect too much of them as individuals and as agencies.

The tiresome, but often repeated expression: "There is never a cop around when you want one," carries with it the strong suggestion that the "cop" should not be in evidence unless you want him.

While I take some small comfort in the recent display of bumper stickers reading: "Support your local police," I would feel a similar minor jubilance at seeing other stickers reading "Be kind to children," or "Avoid running over elderly pedestrians in crosswalks."

Of course we must support our police! And not only with kindly expressions of sympathy but with equipment, adequate personnel resources, fiscal acknowledgement and reasonable appreciation of the many problems with which they are confronted.

I do not suggest the smallest condonation of inappropriate police behavior. I decry the tendency toward public diminution of police stature as a device to solicit the political sympathies of anti-police elements in the community.

If we are to expect as we should that local police are to accept the basic responsibility for the preservation of law and order--we must help them return to their traditional image of minions of the law--deserving and receiving the respect of every private citizen. As long as it remains fashionable to denounce every positive law enforcement action as "police brutality" we cannot expect the firm command of an officer to restrain incipient disorderliness.

I urge civic officials to lend their unstinting support to the restoration of the traditional police image. It is vitally important to the future of law and order in this nation.

PLANNING FOR CIVIL DISORDERS

by
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After the fire and the fear of civil disorders, little remains but ashes and anxiety. An endless review of events whirls through the minds of tired, tense policemen. One doesn't hear a chorus of whimpers, only the pervasive thought that their best was nearly not enough. They, and their counterparts in cities across the nation, have been asked to accept the untenable position of dealing with emotion unemotionally,

of addressing the passion of hatred impassionately, and viewing the agony of a city's destruction with clinical detatchment.

The paramount question in this interlude between calm and conflict is, "Where did we, the police, fail? How can we avoid a repetition of events that may throw our cities into chaos?" It is senseless at this point to indulge in name calling. We can point to political ostriches with their heads still in the sand. We can allude to militarists who dragged their feet when called upon to march. In the final analysis, however, we are forced to admit that solutions to these problems lie primarily in a greater involvement between the police and the community. Hopefully, it will be the leadership of the police that will provide the catalyst for change. It is certain, in any event, that we can no longer wait for situations to occur before we act. We must plan to avert crisis; we must plan to act effectively if crisis overtakes us. We must plan--or accept the consequences of failure.

For many years, it seems, two extreme points of view have existed in the police field regarding planning. One group has regarded formal planning as a kind of mental masturbation. They view the process as something an intelligent, experienced, "think fast on your feet" type policeman doesn't need. The other extreme judges its planning success by the number of pounds of neatly typed and catalogued plans resting comfortably in the file cabinet of each division commander. Any reasonable police executive would agree that somewhere in between lies the truth about planning.

Is it realistic to believe that planning is a simple, straight-line process? If so, the chief, as the central power figure, would say, "I plan. I direct. They do." We all know it is not that simple. Planning is not something you just go out and put into effect. One must first consider what are:

- *The invariables--the things we cannot change.*
- *The semi-variables--the things we might be able to change.*
- *The variables--things that can change.*

Then we must think about what we are going to do with (1) what we have, and (2) what we may get.

The planning process then becomes a spiral shaped technique that, as it develops, tends to re-examine factors important to the overall solution. Initially we will try to establish what the problem really is, and then what realistic goals we can set for its solution. The problem-solving matrix, as it develops, will include:

PRELIMINARY ASSUMPTIONS -- The way in which you and your staff view the problem and solution. (This stage, incidentally, is not devoid of personal and professional biases.)

DATA GATHERING -- Every bit of relevant data should be gathered, channeled to a central source and then analyzed, evaluated, and utilized in the planning process.

PEOPLE INVOLVEMENT -- Involve as many people as possible in the planning. It is particularly important to involve the people who will execute the plans, or who are influenced by their implementation. It is important that honest and critical comments are solicited, and even more important that the planners listen to recommended changes. Do not limit participation to the department. Enlist the thinking and support of other municipal staff, other agencies, the business community, public utilities, the military, your legal advisors, minority officials and leaders, minority power groups, the press, and the political power structure.

ALTERNATE CHOICES OR COURSES OF ACTION -- Although there is no perfect plan, the goal should be the development of a workable, practical plan that will require minimum modification in the field. Inherent in every final plan is the incorporation of options or alternatives. The decision-maker, under the pressures of reality in the field, needs the flexibility of alternatives in the event the central plan is not working well. Improvisation will probably occur in any event, policemen being what they are, but it is unrealistic not to have established alternatives the field commander can turn to, the nature of which both he and his staff understand and can carry out.

DECISION -- This is where the buck stops! This is the point at which the police executive will decide which plan the department will follow and will formulate the necessary policy to implement it.

TRAINING -- If we enjoy any advantage over a mob in a riot situation, it should be that our forces are disciplined, organized, competent, and under good leadership. Training plans then should provide for department-wide training in such broad subjects as community and human relations, coping with unusual occurrences, firearms and special weapons training, and participation in field exercises. Supervisors and special purpose units should receive in-depth specialized training. (This would apply particularly to the community relations unit, the riot control unit and the S.W.A.T.[1] squad.) To make any plan work well, we must train, train, train!

1. *Special Weapons and Tactical Squad.*

IMPLEMENTATION -- Plans are meaningless unless they're tested. If we have tested them repeatedly, chances are that they'll work well. If we have not tested our plans as realistically and thoroughly as possible, we may experience some pretty dismal failures.[2] *As uncomfortable and costly as it may be, there must be periodic run-throughs to test men, equipment, and procedures.*

CRITIQUE-EVALUATION -- Once the plans have been tested, there should be an exhaustive review by personnel at all levels, for the purpose of detecting weaknesses, gaps, or errors.

RE-PLAN -- One may encounter resistance to the modification or elimination of a certain plan because it represents someone's "pet idea," or a "stroke of genius on the part of the chief." However unsatisfactory or ego-deflating the thought may be, if it doesn't work well, it is not worth saving. You may not get credit for the plan if it works, but you are a sure candidate for infamy if it fails. The real implications of failure, however, are the terrible losses in terms of humanity, community relationships, and suffering of the innocent.

THE SPIRAL CONTINUES, AD INFINITUM -- Review your assumptions, add new data, involve people again (including new ones you had not thought of before), determine new courses of action, select your new plans, re-train, re-test, re-evaluate, etc.

Now, if we apply all of the foregoing principles to the mass of problems facing us today, we are committing ourselves to a tremendous amount of work. It is nice to talk about planning as it relates to the changing role of the police, prevention and control of community tensions and civil disturbances, coping with "organizational shock" in emergencies, and facilitating recovery in the aftermath of a riot. The pragmatic question at this point is, "Is there a worthwhile, recognizable, tangible benefit to a police organization that does commit itself to pre-planning as a consistent, total policy?" The answer is an unequivocable, "Yes!"

Experience throughout the nation stresses that you can no longer "play it by ear" if you are hoping for any degree of success. It further tells us that the strongest departmental planning effort must focus on the area of Prevention.

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2. *Methods of Testing Plans:*
   1. *Case Study--Problem Solving Approach*
   2. *Mathematical Moduling*
   3. *Computer Simulation*
   4. *Field Exercises*
   5. *Gaming Techniques*

One of the greatest tributes you could pay to an old-time policeman was that he could handle his beat without a club. He had the ability, and the desire, to resolve small problems before they became big ones. He was more interested in creating practical solutions for the community good than in building impressive arrest records and a pile of broken heads.

Our contemporary collection of motorized individuals called policemen no longer have the advantage of the foot patrolman's intimate relationship with the community. This does not mean, however, that the premise of sound prevention is less valid. It simply means that we must do a great deal more conscious, deliberate planning of time, effort, and development of programs that <u>will</u> involve us with the community.

Constructive, preventive planning will certainly improve relationships between the police, the community, and the city government. When such relationships are maintained on a practical, sincere, day-to-day basis, there inevitably are recognizable, positive results.

Ghetto dwellers do not expect the chief of police to be a friendly sourcerer who magically transforms the situation and solves all problems with a wave of his baton. Their real question is whether the police department is really trying--trying to understand, trying to bring about constructive change. There must be some visible evidence of concern, and this is best demonstrated initially by a clear, articulated policy on important issues.

Planning for policy entails a commitment both to the public and the department. It should be policy that has the concurrence and support of the mayor, as well as the chief of police. A written policy, widely disseminated within and without the department, will serve as guidelines for the police officer and citizen alike. For example, if we plan our administrative policy to state that field interrogations will not be conducted indiscriminately, that certain laws will be enforced <u>throughout</u> the city; if our policy states that arrests shall be made only when there are legal grounds--not on suspicion--and reasonable force shall be used when necessary, then the situation will be less traumatic for everyone. It is equally important that, after the policy has been articulated, additional plans will include rules and regulations to cover specifics, training to understand the scope and limits of the issue and inspection to see if policy is being carried out.

Other policy planning will deal with organizational and operational policies in the event of unusual emergencies or civil disturbances. Such plans will create policy essential to the design of an emergency command organization. Recent experience has demonstrated that when civil disorder emergencies arise, the typical organizational structure of the police apparatus is unable to immediately and effectively cope with them. It is not a question of indecision or reluctance to cope with the problem. The immediate and natural result of such an unusual emergency is temporary organizational shock. It appears that the best means to minimize this shock is to effectuate plans that will alter the traditional policy structure to allow for faster and more effective response. There must be a personnel alert system that will place sufficient manpower in a given location, in a minimum amount of time, prepared to operate at a maximum level of effectiveness, under sound leadership.

In areas where there are formal mutual aid agreements, plans should clearly show the steps required to invoke a declaration of emergency, and who is required to make such declarations. Plans should explain in detail the procurement of supplementary aid from surrounding departments and the National Guard. It should be spelled out in all plans who has the authority to act in the absence of the designated individual in the chain of command.

Once forces are called up, a pre-planned system of logistics is essential to sustain field operations. This support includes supplying of transportation, emergency facilities, communications, individual clothing and equipment, specialized equipment, personal needs, and other-than-normal administrative needs. Logistical planning will include department inventory check lists; supplies and services available within the department, and from other city, county, state, federal and private sources. Logistics for civil disturbances will have a decided effect upon the general budgetary planning for the department. In addition to overtime there will be additional expenses that are difficult to project in advance. It is bringing to law enforcement agencies and their governing bodies a new fact of life; riots, demonstrations, and deficits go together. Only sound pre-planning will minimize the deficits.

Various surveys of departments throughout the country have detected weaknesses in operational and preventive planning due to inadequate intelligence functions. Some departments do not have a formal intelligence unit. Others have units but no formal plans for the collection, evaluation, or dissemination of intelligence data. Still others have files full of "evaluated" data, but no dissemination, even to the chief. It should be pointed out that the "survival" of a police

executive, in terms of timely and valid decision-making, hinges on the quantity, quality and accuracy of his intelligence feedback. Intelligence planning should have top priority before, during, and after any civil disturbance.

Many cities are beginning to utilize their legal staffs to develop documents which gather together all appropriate laws, with guidelines, for both training and operational use. Their joint planning efforts have also revealed a real need to update legislation as well as the sponsoring of new legislation to cope with undefined problem areas.

For example, several states (17) have discovered century-old laws still on the books which say that municipalities must pay damages to people who suffer injury or loss at the hands of rioters. (Wisconsin primly excludes "houses of ill-fame when the owner has notice they are being used as such.") Many jurisdictions are also finding they lack legislation in the areas of adequate curfew; emergency regulations of liquor, firearms, ammunition, and gasoline sales; control over incendiary devices, etc. Others find they lack <u>legal</u> and binding mutual aid agreements with surrounding jurisdictions, as well as with county and state agencies.

It is the sincere belief of many professionals in the field that prevention is really the key to dealing effectively with community tensions and civil disturbances. If one accepts this premise, then a great deal of planning is essential to produce sound preventive programs. It also means that a chief of police will be willing to step outside his traditional police role to work for the community good. He will make plans that will involve him in the problems of housing, poverty, unemployment, recreation, welfare, education, family counseling, sanitation and many other issues which create or perpetuate community unrest. He will also devote planning time to: upgrading of the selection and promotional processes, analysis of assignment procedures, inventory of staff characteristics, expansion of training, communication with minority groups, and many other pressing problems. He will, in short, utilize every resource in government and the community to plan for meaningful change.

This is a most crucial year for both the police and the nation. Success or failure, throughout the United States, will be felt for decades to come as a result of what we do or fail to do. We <u>must</u> get a commitment from the American public and its government, once and for all, that they want law and order--that they want peace at home as well as abroad. After all, what good is the absence of violence on Cyprus if there is rioting on the streets of Newark and Detroit? What good are equal rights for emerging African nations if the same guarantees are not provided the minorities here at home? What good are bolstered security forces in Berlin if it is not safe on American streets at night?

The year 1968 will be the "year of the policeman." It is my belief that the police and the total community, working together, can prevent crisis. Effective and meaningful planning by people who care will make the difference.

CONTROL OF CIVIL DISORDERS

by
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My subject title and the basis for the small group discussions that will shortly take place is "Principles Of Control" or, more candidly, "How To Put Down A Riot." This has been my area of concern and interest for the past few years, and as a result, I have developed some rather definite ideas regarding what I consider to be effective methods and techniques of control. Since I will be concentrating exclusively on the control aspect, I think it important at the outset to make it abundantly clear that I fully support preventive programs. I have been involved on the street, in one major riot and several small riots and I am convinced that anyone who doesn't believe that it's better to prevent riots than wait until control is necessary is either naive or a fool.

Unfortunately, all of the effort that has been expended on prevention has not solved the problem of disorder; thus there is still a place for the control specialist.

I might add at this point that not all of the failures have been on the preventive side of the ledger. It seems to me that the police of America have not been overwhelmingly successful in their control of riots.

One of the reasons that I am now considered an expert on control measures is because I was a Field Commander in Watts in August 1965. As a result of my enlightened leadership we were able to hold that riot to its meager proportions--after all, it only covered and area not much bigger than Washington, D.C. Believe me, our initial effort was pretty awful.

Fortunately, the police historically have had the capacity to adjust quickly and to innovate on the spot. We deal in emergencies. Control strategy and street tactics have had to

be developed and combat tested almost simultaneously. Police ingenuity has been sorely tested under the most severe conditions. Some of the strategies employed have proven to be completely ineffective; however, until they were tried, who could have judged their efficacy?

It seems to me that we no longer need to innovate on the spot, or develop techniques, while fighting the war. We have sufficient experience now to build a new doctrine of control techniques. It requires careful and precise planning. It requires talking to one another, and building upon our strengths, not lamenting past weaknesses.

From the turn of the century through 1964, there have been approximately fifty riots in the United States. Since 1964 there have been at least as many, if not more. Most of these have occurred during periods of rapid social change.

These riots had significant characteristics in common: They were more likely to take place in the north than in the south, in the big cities rather than in rural areas. And almost <u>all</u> such outbreaks occurred during the summer months.

Riots typically are triggered by a relatively minor incident such as an arrest for drunken driving or turning off the fire hydrants. More often than not, the police are involved, and existing negative feelings about the police help to excite the emotions of the gathering crowd. As the crowd mills about, there is a communication of excitement, rumors fly and hysteria mounts. Mob anonymity serves to absolve the rioters of personal reaponsibility for destructive acts and lends sanction to brutalized emotions. Organized hate groups may enter the picture to fish in troubled waters and to exploit the explosive situation for their own ends.

A riot is mob violence, a contagious striking out at authority. It may consist of indiscriminate attacks on officials, buildings or innocent passersby, or it may be both. The action can be organized or spontaneous. But always the one pervading element that is present is group violence that must be controlled by police action.

The level of violent action will ebb and flow. The rioters may see the policemen or other authorities as symbols of their hatreds. Public buildings, police stations, churches, grocery stores, pawn shops, liquor stores, and other establishments become fair game after the violence gets out of control. No rules apply. There is no fair play. The behavior is governed by mass hysteria, hatred and impulse. Any attempt at remonstrance or control is met with immediate retaliation.

Violence may take many forms and will be limited only by the ingenuity of the mob leadership and emotional state of the group. The longer a riotous situation exists, the more disastrous the violence will become. One successful act of violence invariably leads to attempts at more serious acts of violence. Riots and mob violence are like cancer--the longer they are permitted to survive, the more serious and disastrous they become and the farther they spread. When prevention fails, rapid, effective and positive control measures by police are the only successful antidotes.

Historically, law enforcement has been concerned with the "Text Book" variety of riot: Large masses of individuals in a rather confined area with a common motive and with leadership. The squad formations, gas use and other crowd control techniques were written into the same text books and provided sound doctrine. These techniques are designed to move, divide and eventually disperse this type of mob.

During recent years, however, we have been confronted with a new type of mob. This is the guerrilla or hit-and-run mob. The guerrilla mob consists of dedicated and violent elements---usually youthful, dissident gang leaders and criminal-prone types. They will initiate the breaking of windows or starting of fires to incite the crowd to violence and are the vanguard of this action. It is a tactic employed to counter a force superior in terms of training and equipment. It thrives on deception, confusion and the divide-and-conquer theory.

Thus the old must not be discarded; it must be added to. Riot control does not add a new dimension to police work, but the kinds of riots add a new dimension to control techniques.

A realistic program for riot control involves a number of factors, the principal ones being planning, training, mobilization, organizational shift, intelligence, communications, strategy and tactics.

Let me, then, leave with you five command or policy decisions that I believe are basic to the strategy employed to establish control:

1. *REACT QUICKLY WITH ENOUGH STRENGTH TO OVERWHELM THE RIOTING GROUP. This is so basic it appears almost unnecessary to state, but experience has shown that the police have not always reacted quickly enough nor with sufficient force. This, of course, is not always possible depending upon the size of the group and area involved. However it should be a basic policy so that a field commander will not vacillate in ordering the size or response of his control task force.*

2. *ESTABLISH CONTROL IN ALL PARTS OF THE INVOLVED AREA. There should be no areas into which the police will not go. In some recent disorders, the police have for one reason or another decided to stay outside of a particular area. The police must be firm in their understanding that if control is to be established quickly and decisively, there should be no section of the city to which they will be denied access either on police volition or because of external pressures.*

3. *ARREST ALL LAW VIOLATORS AND APPLY REASONABLE FORCE WHEN NECESSARY TO MAKE AN ARREST. This policy decision will accomplish two things. First, it gives direction to the field commander and the officers in his task force. It mitigates possible indecisive action. Secondly, it tells the field commander that he must immediately "gear up" for processing and accepting large numbers of prisoners.*

4. *PROSECUTE WITH VIGOR ALL PERSONS ARRESTED. This is not necessarily a police decision, but it should be a part of the police policy. Without it, violators will be unconcerned about being arrested and police officers may become careless in their arrest and evidence procedures. One of the principal roadblocks to successful prosecutions in the past has been that the police, because of the exigencies of the immediate situation, have not taken ordinary care to assure that the arrestee can be identified with the act for which he was arrested.*

   Another very important reason for setting this policy is to prevent the release of an arrested person as an act of compromise to the rioters. This has occurred in some cities that have experienced civil disorders. The effect of a release of this kind can be devastating. It places the police in the untenable position of acceding to the extortionary demands of the mob. While the police may act in disciplined good faith, the mob will not and probably cannot act with the same discipline or good faith. Thus, the police position is weakened to the point that even more drastic measures will be subsequently required to bring the situation under control.

5. *REMAIN IN THE AFFECTED AREAS WITH A SHOW OF FORCE A SUFFICIENT PERIOD OF TIME AFTER ORDER IS RESTORED TO CONVINCE ALL CONCERNED THAT ADDITIONAL OUTBREAKS WILL NOT BE TOLERATED. One of the most important lessons learned in Watts was that the police must remain in the area in force after establishing control. On*

two successive days, control was established during the early morning hours and subsequently policing was returned to a normal level. The result was even more violent outbreaks and a demand of the police to again restore order and gain control in a territory previously controlled.

Remaining in an area with a sufficient force can be an expensive process in terms of manpower, but it is a vital element to continued order. Probably this is the most valid use of the National Guard, i.e., to guard the area after the police have established control. Reduction of the control force should be accomplished gradually, maintaining a constant flow of intelligence information from which to assess the field situation.

The use of chemical agents to cope with rioters has offered security officers a valuable tool in hazardous situations. While employment of this accessory has, naturally, received much criticism from those subjected to its use, as well as their fellow travelers on campus, this should not deter its use when circumstances dictate the need for such drastic measures. It is believed chemical agents are having some use in the campus environment and the article that follows presents a comprehensive view of this portion of the riot control scene. Again we are indebted to *The Police Chief*, Volume XXXV, No. 11, November 1968 for permission to reprint the major portion of this article.

RIOT CONTROL AGENTS

A Series of Articles on the Use of Chemical Agents in the Control of Civil Disorders

by
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Chemical agents have been used by the police to subdue criminal and riotous individuals or groups for many years. The police of Paris are credited with the modern development of the concept in the year 1912 when "hand bombs" filled with an early tear gas were used to incapacitate gangs of criminals that were presenting a serious threat to life and property in the French capital. From this law enforcement origin grew the subsequent development of military chemical warfare which began with tear gas and quickly escalated to the dreaded lethal and disabling gases of World War I and the modern era.

The ethyl bromacetate used by the Paris police in their "hand bombs" and contemporary "tear gases" are members of a family of chemical compounds that are known as lacrimators because their vapors produce a severe weeping or tearing of the eyes. Being invisible, the vapors were erroneously referred to as gases by early researchers and the term "tear gas" has been in popular use ever since. Actually, riot control agents are not true gases, but are released as aerosol clouds consisting of finely divided particles which are disseminated by bulk dispensers, bursting containers, or the burning of mixtures of the chemical agent and an appropriate fuel.

Most authorities agree that an acceptable riot control agent should possess certain characteristics based upon the requirements of civilian law enforcement service. Although none of the existing agents fully satisfy the criteria listed below, each of the seven characteristics should be taken into consideration in the selection of a chemical agent for police use.

Criteria for Selection of a Riot Control Agent

1. *SAFETY -- The primary criteria in agent selection is safety. Although chemical agent "safety" involves several dimensions which are discussed in greater detail in later papers in this series, the minimum criteria is that the agent be non-lethal in any concentration likely to be developed in police application.*

2. *EFFECTIVENESS -- The agent should: (a) produce rapid physiological action; (b) produce desired effects in low concentrations, somewhere in the range of a few milligrams per cubic meter of air; and (c) permit rapid recovery without lasting effects when subject is removed from the contaminated area.*

3. *DELIVERABILITY -- The agent must be deliverable in sufficient concentrations by delivery systems adaptable to police requirements arising from the nature of field operations.*

4. *NON-PERSISTENCY -- The agent must be temporary in duration of its effectiveness and should not present major decontamination problems. Persistency is a product of several factors including the nature of the agent, method of dissemination, weather, and the area contaminated.*

5. *STABILITY -- The agent should be stable over wide ranges of temperature variation and storage conditions. It must be compatible with selected delivery systems.*

6. *ACCEPTABILITY -- The use of the agent must be tolerated by the general public. A negative response on the part of most of the citizens in a community to a specific agent may well offset any advantages that the agent may otherwise offer.*

7. *COST EFFECTIVENESS -- The total cost of the delivered agent must be proportionate to its effectiveness and competitive with acceptable alternatives. In addition, the cost of chemical munitions must be reasonable in relation to police resources.*

MODERN RIOT CONTROL AGENTS

After years of experimentation and research with a wide range of chemical compounds, three separate agents are currently available to law enforcement agencies for use in riot control and the capture of armed, barricaded criminals. Two of these agents, designated CN and SC, are lacrimators and the third, DM is what is often referred to as a nauseating or sickening agent. While these agents all produce temporary irritation or disabling physiological effects when they come into contact with the eyes or are inhaled in sufficient concentrations, they each have individual characteristics which govern their use in specific situations.

CN AGENT

CN or Chloroacetophene is currently the "tear gas" most widely used by law enforcement agencies throughout the world. CN produces a characteristic apple blossom odor under normal conditions and is released in a dust, vapor, or liquid-mist form.

The CN agent quickly irritates the upper respiratory passages and eyes, causing a heavy flow of tears within seconds after exposure. In high concentrations CN is irritating to the skin and can cause a burning, itching sensation on moist parts of the body. In some individuals, CN agent may produce nausea, especially when experienced in heavy concentrations.

CN agent is usually dispensed by burning or blast dispersion in hand grenade and projectile munitions. It is also being disseminated in the newly developed fogging devices and is the active component in the Chemical Mace and similar hand-held aerosol dispensers.

CN, like other agents, must be used with discretion, especially when the agent is introduced into small rooms or other confined areas.

DM AGENT

DM or Diphenylaminechloroarsine is a nauseating agent that produces extreme discomfort and sickness. The DM vapor produces a yellow cloud that has a "smoky" odor which rapidly disappears as the agent affects the sense of smell. Since DM requires several minutes to reach full effect, it is sometimes mixed with CN to produce a more immediate response.

Within a minute or two following exposure, DM produces a burning sensation of the nose and throat often followed by sneezing and coughing. When the full reaction point is reached, the individual experiences severe headaches, profuse watery nasal discharge, acute pains in the nose, sinus and chest and ultimately nausea and vomiting. During the final stages, the DM victim may experience mental depression and sensory disturbances.

The physiological reaction to DM is extremely severe, with incapacitation sometimes lasting several hours and effects possibly persisting for several days. Lethal concentrations are within the range of possibility and injuries are likely when heavy concentrations are employed. The Armed Forces have directed their personnel not to use DM in any riot control operation where deaths are not acceptable and the Department of the Army does not even discuss the use of DM in its field manual covering the control of civil disturbances and disorders.

DM is currently stocked in small quantities by only a limited number of police departments in the United States. It is not recommended for law enforcement use under any but the most extreme conditions.

CS AGENT

CS or orthochlorbenzalmalononitrile, the newest of the riot control agents.....CS came to the attention of law enforcement officials in this country as a result of its use by the British during the civil disorders on Cyprus in 1961.

After an exhaustive testing program, the U. S. Army adopted CS as its standard riot control agent. Existing CN stocks were replaced with the newer CS agent and today, military units assisting local police in the control of disorders will be equipped exclusively with CS munitions.

Tests conducted by physicians and toxicologists have indicated that CS has a safety factor which makes the probability extremely low that lasting effects or death could result from its proper use in riot control situations. Limited laboratory experiments with animals and humans have produced no significant ill effects from the CS agent, even in persons fifty years of age with medical histories of allergies, hypertension, jaundice or hepatitis.

It should be pointed out, however, that "safety" is a relative term when used in connection with riot control agents of any kind and there is always a possibility of injury or death under unusual circumstances or when agents are improperly employed. Assurances from commercial and military sources regarding the comparative safety of CS should not be permitted to obscure the fact that the agent must be used with discretion.

The Attorney General of the United States has asked the International Association of Chiefs of Police to look into the merits of CS as a riot control agent for civilian law enforcement use and to disseminate such information throughout the police community. In the meantime, whether or not police officials elect to utilize CS in their current chemical weapon inventory, all national guard and federal troops committed to disorder control duty will be equipped with CS and consequently local law enforcement officers should be familiar with the characteristics of the agent.

CS is a white powder that can be dispersed in several ways: (a) in prepacked containers such as hand thrown grenades, (b) by small projectiles, or (c) by a spray from a pressurized container such as a properly modified dry chemical fire extinguisher. It produces immediate distress on contact with the eyes, the respiratory tract, and the skin, and will render the recipient incapable of purposeful aggressiveness while in contact with it and for about 10 to 20 minutes after he has been exposed to fresh air. Very heavy concentrations produce nausea, vomiting, psychological depression, and extended recovery periods.

Although the symptoms produced by CS vary to some degree in relation to the type of delivery system employed and the exact formulation of the CS involved, it is generally agreed that, compared to CN, the CS agent produces more immediate and severe reactions. This is especially true of internal symptoms involving the respiratory and central nervous systems.

TERMINOLOGY

In order to understand something about riot control chemical munitions and how they are evaluated, law enforcement officials should be familiar with several basic terms and concepts that are commonly employed in describing the physical and chemical properties of riot agents.

Aerosol -- A liquid or solid, not vaporized, but divided into small particles small enough to float in the air for extended periods of time. Examples of common aerosols are mist, fog, and smoke. (A vapor is the gaseous form of any substance that is normally a solid or a liquid.)

Concentration -- The amount of chemical agent present in a unit volume of air. Usually expressed in milligrams per cubic meter of air. (mg/m^3)

Dosage or Ct -- The concentration (C) of chemical agent in the air multiplied by the time (t) the concentration remains. Dosage is usually expressed as $Mg\text{-}min/m^3$.

Since dosage is a combination of concentration and time, the same effects with riot control agents can be achieved by an exposure to a high concentration for a short period of time. This general relationship is illustrated in Figure 1.

From a practical standpoint this means that approximately the same effects would be produced by 30 seconds exposure to the agent released by two grenades as would be produced by 60 seconds exposure to a single grenade release. Put another way, the same range of effects can generally be produced by either heavy concentration or prolonged exposure.[1]

Median Incapacitating Dosage (ICt_{50}) -- The incapacitating dosage of a chemical agent is usually expressed as the amount of inhaled vapor or aerosol which is sufficient to incapacitate 50 percent of exposed personnel. For example, the ICt_{50} value of CN is reported as about 20 $mg\text{-}min/m^3$.

Median Lethal Dosage (LCt_{50}) -- The LCt_{50} of a chemical agent is the concentration multiplied by the time of exposure that is lethal to 50 percent of exposed personnel. The unit used to express LCt_{50} is milligram minutes per cubic meter. Again, using CN as an example, the LCt_{50} value is estimated as about 14,000 $mg\text{-}min/m^3$.

It is important to note that median dosages are values established primarily for comparison of the relative effects of chemical agents. Obviously, law enforcement officials are more concerned about the absolute minimum risk level than with the standard LCt_{50}, which deals with the concentration sufficient to kill at least 50 percent of the human subjects exposed to the agent.

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1. *The validity of this relationship over wide ranges of time/concentration has not been established, but the principle is considered reliable under normal operational conditions.*

Unfortunately, minimum risk data on chemical agents is difficult to obtain. Even available LCt_{50} values, which are estimates based upon laboratory tests on animals, are highly vulnerable to challenge and are the subject of considerable disagreement among chemical agent researchers and manufacturers.

Safety Factor -- The ratio between the lethal and the incapacitating dose of a particular agent. (LCt_{50}/ICt_{50}). Returning to our example, CN, the LCT_{50} 14,000/ICt_{50} 20 results in a safety factor of 700. In other words, it would take 700 times the incapacitating dose to produce a lethal dose in 50% of the exposed population.

Particle Size -- The size of the very small particles of chemical agent in the cloud are measured in terms of MICRONS (μ). A micron is 1/25,000 of an inch and those particles smaller than one micron in diameter are referred to as sub-micron particles. As a rule, agent dissemination by burning produces a much smaller particle than that produced by blast dispersal.

The physiological effectiveness of skin and respiratory aerosol dosages of riot control agents are influenced by particle size as well as by time and concentration, since retention by the lungs and contact with the skin are functions of particle size.

Particle size is also an important consideration in delivery of agents since heavier particles tend to "fall out" of the agent cloud while smaller particles tend to remain airborne for longer periods. Particles larger than 30 microns in size tend to drop out of the air very rapidly and are therefore ineffective.

It should be noted that dispersion systems do not produce a uniform particle size, but develop particles over a range of sizes. It then becomes a matter of size distribution from a particular system rather than a specific standard particle dimension. If, as has been suggested, the optimum particle size for riot control agents is between 0.5 and 5 microns, then a particular delivery technique should produce a distribution as suggested in Figure 3.[2]

Persistency -- An expression of the duration of effectiveness of a chemical agent. Persistency is of particular interest in relation to riot control agents in the matter of contamination of buildings and vehicles.

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CN AND CS RISK

At best, "safety" is a relative term when applied to the evaluation of chemical agents. In fact, in the interest of both accuracy and clarity, the term "safety" (defined as "freedom from danger") should be replaced in this context by the term "risk," which is defined as exposure to danger. The question for police officials then becomes: "What risk is involved in our use of this agent?" and not the virtually unanswerable query "Is this agent safe?"

Figure 4 contains a summary of data comparing the major characteristics of CN and CS agents. The claims of the relative "safety" are based on the information in the section of the chart entitled "Estimated Dosages." Even if it is assumed that the "safety" data is entirely reliable, it is still true that CS is a potent agent with effects that greatly exceed those of the traditional CN. Obviously, CS must be employed with greater discretion than that which has characterized past uses of CN if police are to avoid legitimate criticism and opposition to the introduction of CS into riot control operations.

It is also important to bear in mind that safety or risk resides not only in the characteristics of the agent, but is equally a product of the way in which agents are delivered. Thus poorly trained officers or improperly designed delivery systems will increase whatever risk factor may be associated with a particular agent formulation.

While some medical research findings on CS are available, especially from military sources, our non-military experience with this agent has been limited. During the April 1968 disorders only Washington, D.C., Baltimore and Kansas City used chemical agents in any quantity and CS use was confined largely to Washington, D.C. and Baltimore. Since that time, CS has been used extensively in connection with the Miami, Chicago and Berkeley disorders and during the "Poor People's" demonstrations in Washington, D.C. These applications are being studied closely and preliminary reports have indicated no major problems with the discriminate uses of CS.

The Chemical Agent Program now being conducted by the IACP for the U.S. Department of Justice, is evaluating field experience in this country and abroad, reviewing published materials, and recommending further research where necessary in order to provide law enforcement officials with the information that they need to make risk determinations in the use of CS and other chemical agents.

EFFECTIVENESS CRITERIA

Experiments conducted by the military with volunteers exposed to CN and CS suggest that CS produces intolerable symptoms more quickly and in lower concentrations than CN. Figure 5 summarizes the results of these experiments. For example, in a concentration of 51 to 100 mg/m^3 of CS, 12 out of 12 subjects found the effects intolerable within 30 seconds, while in a similar concentration of CN all 24 subjects could remain in the test chamber for the 30-second period.

Information available at the present time indicates that persons subject to reasonable concentrations of both CN and CS recover within 5 to 20 minutes after removal from the contaminated atmosphere. However, the volume of information relative to recovery from chemical agents is not extensive, especially in cases where concentrations are heavy or exposure prolonged, and law enforcement personnel should be guided accordingly in their use of chemical agents in enclosed places or against persons who are unable to remove themselves from the contaminated area.

PERSISTENCY

CN and CS agents remain airborne for relatively short periods of time, depending upon weather conditions, the particular delivery system employed, and the agent formulation. Consequently, both agents are sufficiently non-persistent for riot control use.

However, experience to date suggests that, compared to CN, CS contamination is extremely difficult to remove. When used indoors, CS particles settle on floors, walls, ceilings, and merchandise or household furnishings where they remain for extended periods of time. Unless removed, these fine particles are reactivated and become airborne, producing CS symptoms, whenever the air in the contaminated area is disturbed.

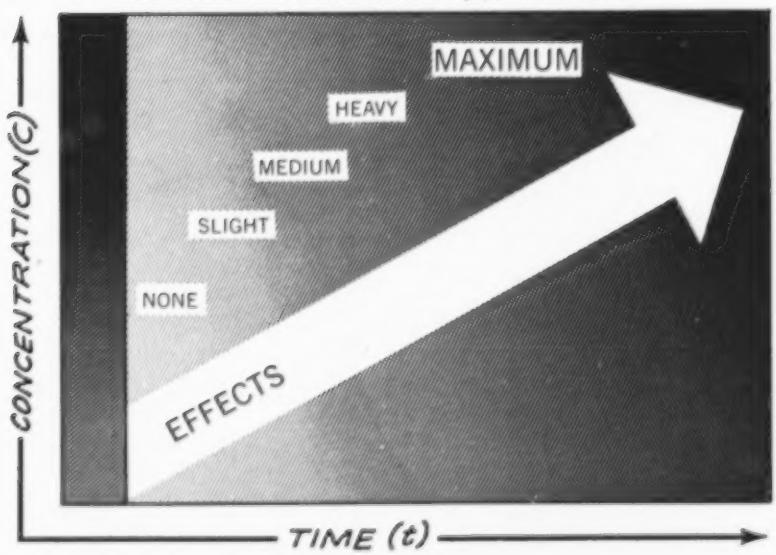
Major industrial and research corporations are presently attempting to develop techniques that will provide more satisfactory decontamination and there is hope that improved agent delivery systems may reduce the severity of the contamination problem. A brochure entitled "CS Decontamination," which is available at no cost from the IACP, describes some methods currently being used to assist in CS decontamination. This brochure may be purchased in quantities of 1,000 or more with departmental imprint for distribution to citizens in areas likely to be affected by police use of chemical agents.

STABILITY

Both CS and CN, as reflected in the technical summary in Figure 6, are stable over wide temperature ranges and are compatible with existing delivery systems. Both are also stable in storage in their original formulation. Storage problems associated with assembled munitions will be discussed in a later paper in this series.

The criteria of acceptability and cost effectiveness of CN and CS will also be covered in subsequent articles in this series.

FIGURE 1. The Ct Relationship for Riot Agents



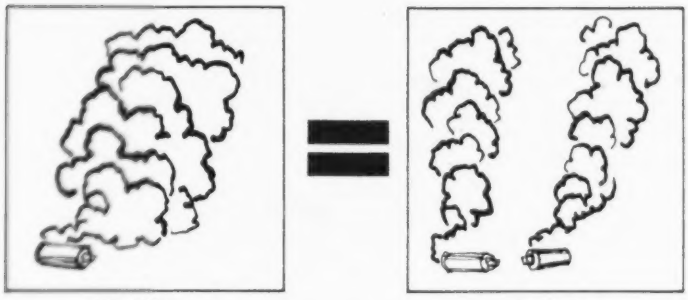
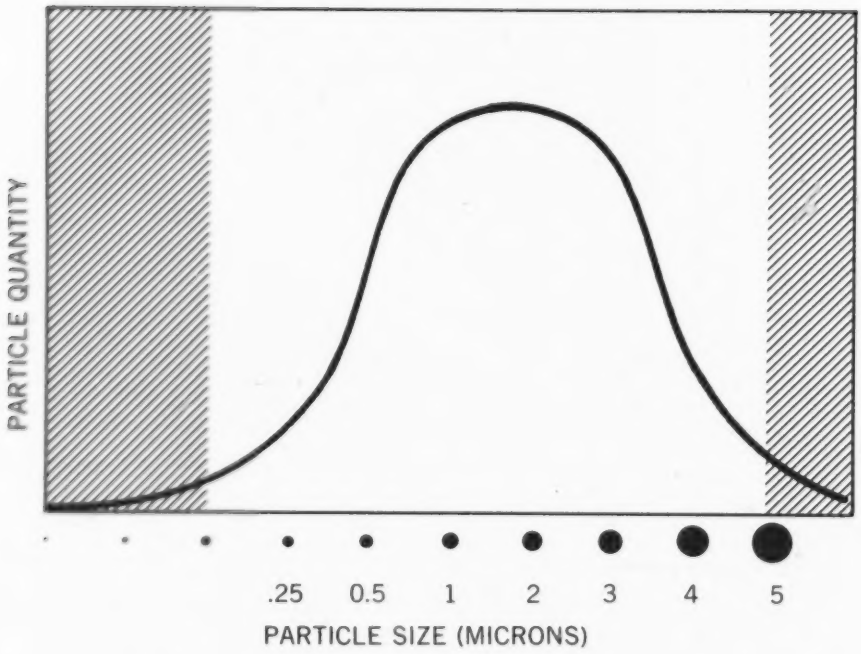


FIGURE 2. The Practical Consequence of the CT Relationship for Riot Agents

FIGURE 3. Particle Distribution



	CN	CS
EYES	Burning sensation Heavy flow of tears	Burning sensation Heavy flow of tears Involuntary closing of eyes
SKIN	Stinging or burning sensation on moist areas Blister from very heavy concentration	Stinging or burning sensation on moist areas Blister of exposed skin from heavy concentration (at Ct 14,000) second degree burns delayed 14-16 hours after exposure
NOSE	Irritation-burning sensation	Irritation-burning sensation Nasal discharge
MOUTH	Salivation	Salivation
CHEST	None reported	Irritation-burning sensation Coughing Tightness in chest Feeling of suffocation—accompanied by *panic*
GASTRO-INTESTINAL SYSTEM	Nausea in very high concentration or prolonged exposure	Nausea, vomiting—especially in heavy concentration or prolonged exposure
CENTRAL NERVOUS SYSTEM	Headache	Headache Dizziness or swimming of head *Inability to take effective concerted action* while exposed and five to ten minutes after Sense of physical ill-being (malaise) up to 24 hours for some subjects *Prostration* up to several minutes for some subjects
	ESTIMATED DOSAGE	
Median Lethal Dosage (LCt_{50})	14,000 mg-min/m^3	25,000 mg-min/m^3
Median Incapacitating Dosage (ICt_{50})	20 mg-min/m^3	10-20 mg-min/m^3
Safety Factor (LCt_{50}/ ICt_{50})	700	1,667

FIGURE 4. Characteristics of CN and CS Agents

PHYSIOLOGICAL ACTION

CONCENTRATION RANGE (mg/m^3)	NUMBER OF MEN FINDING AGENT INTOLERABLE WITHIN 30 SECONDS	
	CN	CS
2 - 10	0/4	2/15
11 - 20	0/1	3/6
21 - 50	0/8	10/10
51 - 100	0/24	12/12
101 - 360	3/12	—
	NUMBER OF MEN FINDING AGENT INTOLERABLE WITHIN 120 SECONDS	
	CN	CS
2 - 10	0/4	6/15
11 - 20	1/1	5/6
21 - 50	2/8	10/10
51 - 100	3/24	12/12
101 - 360	9/12	—

FIGURE 5. Effect of CS and CN on Human Subjects

	CN(CHLOROACETOPHENONE)	CS(O-CHLOROBENZALMALONONITRILE)
1. Formula	$C_6H_5COCH_2CL$	$CLC_6H_4CHC(CN)_2$
2. Molecular Weight	154.59	188.5
3. Density (Crystal)	1.30 $\frac{gm}{cm^3}$ at 20°C	1.33 $\frac{gm}{cm^3}$ at 25°C
4. Melting Point	54° - 55°C	93° - 95°C
5. Boiling Point	244° - 245°	310° - 315°C
6. Volatility	105 $\frac{mg}{m^3}$ at 20°C	0.7 $\frac{mg}{m^3}$ at 25°C
7. Flash Point	High enough not to interfere with use of agent	197°C
8. Decomposition Temperature	Stable to boiling point	Thermal stability good
9. Rate of Hydrolysis	Not readily hydrolyzed	Not very rapidly hydrolyzed
10. Hydrolysis Products	Hydrogen chloride and hydroxy-methylphenylketone	Initial ones: o-chlorobenzaldehyde and malononitrile anion
11. Stability in Storage	Stable	Stable
12. Latent Heat of Vaporization	98 calories/gm	96.6 calories/gm
13. Action on metals	Tarnishes steel slightly	Very slight action on steel
14. Odor	Like apple blossoms	Like pepper

FIGURE 6. Physical and Chemical Properties of CS and CN

Much of the material which is presented in this collection represents the views of people engaged in keeping the peace. The present day academic environment, which has been the location of much of our student strife, also offers some discerning views concerning the current problems of revolt. As university administrators we find ourselves in such an environment and all of our responses will be conditioned to these surroundings. Recently firmness has been evidenced in the California disturbances (January 1968) but there is ample evidence that permissiveness has been a more dominant factor in the university's response to demonstrations.

College & University Business magazine has consistently acted as a sounding board for the views of university and college officials in this hectic struggle which has produced an aura of violence about their heads. Early in the game *College & University Business* recognized these trouble areas and editorially and through competent writers published provocative statements concerning them. Some of these articles or excerpts from them assist one in obtaining a more complete understanding of some of the causes underlying the campus dilemma.

From "Academic Freedom Is No License For Turbulence and Lawbreaking" by Charles Luckman, Chairman, Board of Trustees, California State Colleges, *College & University Business*, Volume 40 No. 1, January 1966:

> *"Higher education is headed for a "Breakthrough" or a "breakdown." We will break through to new heights of intellectual attainments, or we will have a complete breakdown resulting from inner stresses, conflicts, turmoil and name-calling.*
>
> *Who gets hurt by this uncontrolled turbulence? The answer is obvious: <u>everyone</u>.*
>
> - *The great body of decent students whose collective reputation is damaged by the few who insist on their right to complete "freedom," including the mouthing of obscenities in public.*
> - *The great body of devoted faculty members whose image is tarnished by the few who forget their professional dignity and march like pickets; threaten to slow down the teaching process; threaten even to strike.*
> - *The presidents who, as the administrative heads of our institutions, must maintain their responsibility for directing the destiny of the colleges and universities.*

- *The trustees and regents who, under the laws of our states, are charged with the determination of all policies affecting the colleges and universities.*

- *The people of our states, who each year pay billions of dollars for education through taxation and gifts and who may be forced to take a hard look at the picture, unless the turbulence is transformed into the rule of reason.*

This needless damage to our system of higher education must be stopped. I believe men of good will, guided by integrity, can end these costly schisms and, jointly, can prove the wisdom of Aristotle's admonition, "The wealth of any nation lies in the capacity of its people to be educated."

There are many instruments available for sharpening the process of consultation and administration. Let us all use them wisely. Let us all be sure that our objectives are truly "the best interests" of our students.

When presidents and faculties ask for participation in the establishment of policy, they must be both willing enough and courageous enough to, on their own, exert discipline where needed -- no matter where the chips may fall. The plain fact is, we must have disciplined minds, to teach the discipline of the mind. As to discipline, some men break the law to get food for their families; some break the law to get food for their ego, i.e. notoriety.

This underlying thesis of lawbreaking can never be likened or linked to academic freedom. All of us who are a part of higher education must be devoted to the cause of academic freedom; but equally so, none of us should tolerate academic license, with its concomitant of law breaking.

It is my strong personal conviction that we who serve in higher education must never permit the willful breaking of laws on our campuses; we must not permit this academic license to interfere with the orderly process of education. If we are not willing to teach respect for the law on our campuses, how can we expect our students in later life to respect those laws which, since the days of the Magna Charta, have been the very foundation of a free society? All of us are obligated to the millions of people who support our institutions of higher learning, to oppose those individuals who would hand-select those laws which they will obey, and those which they will break, all under the false guise of academic freedom.

From an editorial "The College Campus: 1966" *College & University Business*, Volume 40, No. 2, February 1966:

There is a common thread of disquietude running through the fabric of the contemporary campus. Whether it's "The Bomb," or the immature reluctance to grow up, or an affluant generation spoiled rotten, or dedicated idealists genuinely concerned about personal and international morality --whatever it is, the campus scene today is anything but peaceful.

It is the sort of campus environment that makes life for the college or university administrator hectic and confused--a complete turnabout for the administrator who fretted and fussed a few years ago about the apathy of college students. He would probably settle for a strong dose of apathy right now!

What concerns many administrators, and the general public too, is what proportion of the student body is genuinely concerned with the articulation of dissent on matters of university or national policy--and what proportion is exploiting the campus ferment for matters entirely irrelevant to interest in obtaining a college education. Many a college student of today will look back on his turbulent campus activity some 10 to 15 years from now and realize how often he was used as a pawn to achieve so-called reforms that were of interest to specific pressure groups.

What is becoming increasingly difficult for many to determine is where legitimate discussion, protest and demonstration end and license and illegal action begin. Some difficult ethical questions arise for the student: Do I set myself up as a judge to determine whether the law is valid and, after making my choice, violate it? Am I consciously seeking the martyr role as a cover-up for incompetence in the classroom? Or, as a brilliant student, do I feel that participating in organized protest is the only way that contemporary inequities can be corrected? Am I achieving complete fulfillment in my education if I remain aloof from organized protest? Is being involved in campus protests the "in" thing to do--and am I a "square" if I don't?

These are not easy questions, but many college students are searching for the answers. So are the administrators.

Some progress in coming together for better understanding could be achieved if administrator and student could avoid the stereotyped concept that they are antagonists in a mortal struggle, rather than partners in a common enterprise devoted

to obtaining the best education possible for the student. Not much progress will be achieved if administrators and students think of each other as natural enemies.

The channels for meaningful dialog between the two groups must be kept open if there is to be any hope for understanding.

The same sense of fair play must be evidenced between administration and faculty. Whatever the merits of either side in the recent faculty strike at St. John's University, the public posture of both in the controversy does credit to neither. The injustices may be real, but resort to invective is not the approach that will bring settlement of the controversy.

It may be appropriate to quote the Scriptures as written by Isaiah: "Come, let us reason together."

From "At Press Time" a quote from Barnard College president Rosemary Park, in *College & University Business*, Volume 40, No. 6, June 1966:

Barnard College president, Rosemary Park, declared that American universities "overteach, overwork and overexamine," and this is "responsible to a degree for our students' disaffection."

"Let us free ourselves," she proposed, "to state minimum requirements for our degree, not in terms of academic bookkeeping, but in terms of substance."

Dr. Park stated that "it is a privilege to be a student, not a right, that the university is no welfare state open to all but only to those who develop an intellectual conscience and accept the discipline which comes with specialized knowledge." She stated that the university now found itself "in dangerous times when student dissatisfaction with education has never been more strident nor faculty disinterest in the institution they serve more apparent." She commented that university administrators today "find ourselves in a paradoxical situation, respected outside but within our institutions suspected by those we must serve."

From "Discontent and Suppression: A National View," *College & University Business*, Volume 45, No. 2, August 1968:

Student discontent spans the centuries and the continents from Aristotle in Athens, Greece, to Alden in Athens, Ohio, but there is a difference taking shape. Bob Dylan taunts us with that difference in the chant, "There's something going on here but you don't know what it is, do you Mr. Jones?" A lot of college presidents have been finding out.

Sixty-two of them had to face some kind of student demonstration during the first half of the current academic year. Private and public college administrators took the blows in nearly equal numbers -- of the schools hit, 55 per cent were public and 45 per cent were private.

A National Student Association sample of more than 2,000 newspaper clippings showed the most common reason for student protest was this year's cause célèbre, Dow Chemical Company recruitment, a factor in 27 of the 71 demonstrations reported. With few exceptions -- notably black power and student power -- the other triggers were also related to the military involvement.

Among them: Armed Forces recruitment, cited as a factor in eight demonstrations; the Vietnamese War, seven; governmental agency recruitment and defense contract work on campus, six each and compulsory R.O.T.C., three.

Issues transcended geography: In big cities and small ones, on major campuses and minor, students -- by the hundred or by the handful -- made their voices heard. Contrary to many expectations, protest did not turn out to be limited solely to the multiversity: More than a fourth of the student protests reported by N.S.A. took place on campuses with undergraduate enrollments of 2,501 to 5,000. The rest were sprinkled rather evenly across the spectrum; while 13 per cent of the affected campuses did enroll 15,000 plus, another 13 per cent had student bodies of less than 2,500.

Estimates put the number of students involved in these campus protests at 14,564 -- 2.7 per cent of the school's total undergraduate enrollment. Harassed administrators threatened many of the protestors -- 1,728 of them -- with disciplinary action, although the citations were rescinded or dismissed for 281.

Sighed one administrator, "A Belgian economist once said, 'There are only two ways to handle students: Put them in jail or send them to the gallows.' I don't know which sounds better." For some students, jail became a reality. Civil authorities stepped in to arrest 477 students, 3.3 per cent of all demonstrators, although the charges were later dropped in a fifth of the cases. Nearly all of them were charged with some variant of a disorderly-conduct, disturbing-the-peace, trespass or resisting-arrest statute.

For the most part, the protesting crowds remained below 500 -- only in 3 per cent of the incidents did they get larger. Most common were groups of 51 to 150, a size found in 37 per cent of the incidents. In more than half the cases, 58 per cent, the students used coercion or interrupted the normal operations of campus individuals or organizations.

The N.S.A. study ended with the first semester; the protests did not. At least 51 additional major disturbances occurred, causing at least three institutions to close their doors for a time. William Morgan, a graduate student in sociology at the University of Chicago, estimates as a result of a survey he took in late May that there were at least 160 major disturbances and an additional 300 minor forays against administrators this year.

All this is leaving administrators, as one student put it, "in danger of losing their death-grip on the status quo." There are three likely reactions to student discontent: It can be ignored, it can be suppressed, or it can be reconciled. It is beginning to look to many as though suppression may become the most popular method of handling the situation.

In California, the state college system's regents have made it mandatory that all students and faculty members be suspended or dismissed if they participate in creating violence on the campus.

At Columbia, 1,400 hardened New York cops were used to end a five-building sit-in, and more of the same was promised. Elsewhere, police are also being called in more frequently than before. Many presidents are making "get tough" noises. The climate for suppression will undoubtedly get its biggest boost from Washington, D.C., however, where the tools of suppression are being sharpened in the legislative process.

The results could be stiff new restraints on federal aid.

From "Quotations From Chairman Carl Davidson," *College & University Business*, Volume 45, No. 2, August 1968.:

Excerpts from a new S.D.S. handbook which tells how to organize "guerrilla" activities on campus:

ON RESPONSIBILITY: "We must refuse the administrations' rhetoric of 'responsibility.' To their one-dimensional way of thinking, the concept of responsibility has been reduced to its opposite, namely, be nice, don't rock the boat . . . . We should refuse their definitions, their terms, and even refuse to engage in their semantic hassles. We only need to define for ourselves and other students our notions of what it means to be free, constructive and responsible. Too many campus movements have been co-opted for weeks or even permanently by falling into the administrations' rhetorical bags."

ON FACULTY ALLIES: "In general, we should develop our strategies so that our lot falls with the teaching faculty and theirs with ours. As for the research and administrative faculty, we should set both ourselves and the teaching faculty against them. . . we should encourage the potentially radical sectors of the faculty to organize among themselves around their own grievances, hopefully being able to eventually form a radical alliance with us."

ON NONACADEMIC EMPLOYES: "Almost all colleges and especially the multiversities have a large number of blue-collar maintenance workers on campus. . . . Their presence on the campus offers a unique opportunity for many students to become involved in blue-collar labor organizing at the same time that they are in school. . . if we should ever strike as students, they could be an important ally. For instance, after S.D.S. at the University of Missouri played a major role in organizing a militant local of nonacademic employes, they learned that, were the union to strike for its own demands in sympathy with student demands, the university as a physical plant would cease to function after four days. It is obviously important to have that kind of power."

From "Tactics For Handling Campus Distrubances," *College & University Business*, Volume 45, No. 2, August 1968:

Unless a university wants to cancel all its government contracts, revamp its board of trustees to eliminate corporate representatives, admit 15 per cent minority students unconditionally, take a firm institutional position against the war in Vietnam, and give the coup de grace to in loco parentis -- unless it decides to do all these things, it is going to have to get down to some serious planning for the disturbances that are going to come this fall, next fall, and the fall after that.

It is likely that every administrator of a college or university that has had a student demonstration has asked himself what he might have done to avert it, what decisions might have affected the final outcome, whether he should have called police in sooner, later or not at all. Although no two situations contain exactly the same elements, there are enough similarities in some of the recent disturbances to provide a basis for comparison. No one can tell any administrator what would have happened "if," but he can always learn something from what happened "when." In an effort to provide a stockpile of information and opinion from which some conclusions about planning and tactics may be drawn, the editors of COLLEGE & UNIVERSITY BUSINESS analysed day-by-day accounts of events in nine major student demonstrations involving issues of military recruitment on campus, black power, and student power -- the issues that have convinced student radicals that,

as Berkeley sociologist Nathan Glazer wrote in the June Commentary, "there is something fundamentally and irredeemably wrong with our society."

Perhaps the clearest lesson that can be drawn from an examination of the facts and artifacts of these and other student demonstrations and the feelings they evoked among those directly involved and authoritative observers is the need for a positive, explicit plan of action. "A single person must be appointed at the university to be in charge of planning and execution of the plan in a crisis situation," says Raymond Momboisse, deputy attorney general of California, who is one of the country's foremost authorities on riot control and author of several books on the subject. What happens in the absence of such centralized responsibility may have been demonstrated at Texas Southern University in May 1967 (where one policeman was killed, two wounded, and 45 students arrested). At a hearing before the permanent Senate subcommittee on investigations, Chairman John L. McClellan (D.-Ark.) asked Dr. James B. Jones, professor of guidance and psychology and former dean of students at Texas Southern, if there were "any school officials there that night trying to help the police -- you or any others?" This exchange ensued:

Dr. Jones: The campus policemen were there.

Sen. McClellan: I am talking about school officials.

Dr. Jones: No, they weren't there to my knowledge.

Sen. McClellan: No one came to help?

Dr. Jones: No.

Sen. McClellan: Or to give any guidance, or to cooperate?

Dr. Jones: The superintendent of buildings and grounds was on hand.

Sen. McClellan: Who?

Dr. Jones: The superintendent of buildings and grounds, who had charge of the campus police.

Sen. McClellan: That is the man who mows the grass. I am talking about somebody who runs the school.

Dr. Jones. No.

This may be an extreme example and largely the result of city police not having notified college officials that a disturbance was taking place, but at Brooklyn College, during a demonstration that had been anticipated for weeks, there were long periods where no one appeared to be in charge, and a committee reporting on the event later was not able to find any college official willing to admit that he had called in the police.

The second most important step in planning is that "the problems and areas of crisis have to be clearly outlined," Mr. Momboisse said in an interview with COLLEGE & UNIVERSITY BUSINESS. This can be done in a conference or series of conferences between college administration, college police, and city police.

A large number of police available on short notice and trained to deal with students is essential in controlling any disorder, Mr. Momboisse believes. Police are not just to be called in at the last minute when the crisis gets out of hand. "The best strategy," he said, "will be an initial display of massive force."

While not all observers are as positive about the need for a "display of massive force" as Mr. Momboisse, there is general agreement that the critical decision on use of force is not whether, but when and how much.

Presumably, no administrator who decides to call in police does so with the intention of aggravating the situation, yet this is precisely the effect such action has had in many instances. Indeed, in some cases it may play into the hands of student militants.

"Nothing infuriates even complacent students more than the sight of their friends being dragged from picket lines to jail by the cops," said Ed Schwartz, former president of the National Student Association. "If we have to carry out these threats, we can count on stupid deans and irascible college presidents to make mistakes that will galvanize student opinion behind us." Columbia University and Brooklyn College may give evidence of how well this strategy works.

The fact that two faculty members were among those arrested at Brooklyn College was credited with contributing heavily to the success of the subsequent student strike, as was the revulsion felt by many of the faculty at the degree of force used by the police against students. A similar effect was noted at Columbia, see C&UB, June, Page 54.

Close cooperation and communication with local police authorities are foreign to the experience of many college administrators, but there is evidence that cooperation pays off. Nevertheless, there are pitfalls, and the administrator who would follow the example of John Summerskill, president of San Francisco State College, during the "near insurrection" (his term) there last December, should be prepared for public criticism and possibly official censure. During the demonstrations, he maintained continual communication with the police department's intelligence units and plainclothesmen who were on campus observing the situation. Police had a special force in readiness to move onto the campus if the situation became worse, but they were not called.

Despite the public and legislative outcry that ensued, Dr. Summerskill felt strongly that college officials and police could have made things worse by precipitous countermeasures. San Francisco Police Chief Thomas J. Cahill publicly agreed.

Administrators also need to be aware of the attitudes and methods likely to be used by local police. If police must be used, every effort should be made to ensure that the degree of force exerted will be no greater than is necessary to subdue the guilty and protect the innocent. Meetings such as those held at the University of Iowa between administrators and representatives of various law enforcement agencies give both groups an opportunity to discuss the merits and psychological effects of alternative tactics. Should police be obviously and heavily armed? Are nightsticks preferable to chemical agents? Is Mace preferable to tear gas? Are students to be warned -- if so, how? These and related questions should be discussed before the need to call in police arises. The heat of battle, especially between groups operating from such divergent ideological basis as police and students, is not conducive to rational decision making.

An added caveat is essential where police action is likely to involve militant black students and predominantly white police forces. In an interpretive report on the rioting at Orangeburg last February, Jack Bass of the Charlotte Observer said: "It was perhaps the first real test of the new riot control strategy devised since the burning of some U.S. cities last summer. The consequences for South Carolina were tragic (three students killed, 28 injured). If under-reaction by civil authorities may encourage rioters, events at Orangeburg indicate that over-reaction may escalate a legitimate protest into a riot."

Mr. Momboisse's prescriptive plans for controlling student demonstrations, to be sure, are drawn from his experience over the last three years with civil disobedience and riots in the ghettos, but he is convinced that the same principle applies to the campus: "If the demands are legitimate, grant them. This is the cardinal principle in student demonstrations just as in other situations. But if they're there for illegitimate reasons, give it to them. The failure to back up your threat only makes for more violence."

This theory of extensive planning and massive initial display of force evokes great distaste from many college administrators: "We'd be turning the campus into a garrison," commented one official. "We'd have to surround the whole place with barbed wire." Another administrator, however, took a different view: "The university," he said, "can't give in to those cruddy weirdo slobs. It's important that there's a place where the kids can learn discipline, sacrifice, teamwork and sportsmanship."

As prescribed by Mr. Momboisse, another essential element in planning is that "a set of plans must be prepared for each possible situation." The college administration and the campus and local police forces have to have a sheaf of plans dealing with each situation they judge may arise. This kind of detailed planning is far beyond what most colleges have undertaken.

Most administrators, in fact, are dubious about their ability to foresee situations accurately enough to plan for them. "Every time we plan," said one administrator, "the situation turns out to be something entirely different. For example, two years ago we had no idea that race was going to be an issue on the campus."

The answer is simply that a race issue was not foreseen because no one ever sat down to foresee it. In contrast, Mr. Momboisse recommends that, if possible, university administrators should go even further and run "simulations" at the "command levels" (i.e. college administrators, chief of security, and chief of police) of potential riot situations and the predetermined responses.

The fact is that in most cases university officials find themselves forced into reacting, over-reacting, in response to student actions. The students seem to plan all the moves. "Tactics are worked out to strip authorities of dignity through staged confrontations," Dr. Glazer said in the Commentary article, "to arrange matters so that violence will erupt for the benefit of the press and television, to win over basically

unsympathetic students who, owing to their commitment to fair-mindedness, will almost always be 'radicalized' by exposure to police intervention . . . ."

If administrators are not able to anticipate demands and deal with them cooperatively before confrontation, perhaps they should at least refuse to follow the students' scripts. As soon as probable student demands are known or suspected, a dramatic announcement of action on one or more of them by the university can rob the activists of much of their bargaining power.

Mass rallies, a key element in direct confrontation, require masses of students. In an urban college large numbers of students who are not in sympathy with the activist aims may be persuaded to go home. If the number of activists is not large enough to disrupt classes, dismissing classes, as was done at San Francisco State, only adds to the numbers and increases the possibility of injuries.

It should also be made clear, before any campus demonstration takes place, exactly what actions are likely to result in what penalties. Vague regulations and lack of consistency give the activists a strong advantage. Too often, technicalities of the institution's rules of conduct, ignored in other instances, become a major point of conflict when they are applied in a confrontation situation.

Channels of authority for dealing with students must be clear cut and those who act as spokesmen for the university must be persons the students know and trust.

One tactic that seemed to have a beneficial effect in two instances was the spontaneous cooperation of university trustees. At Stanford, trustee David Packard paid a surprise visit to the students assembled in the student union and, according to the Stanford Observer, his speech was well received by students. At Howard, a delegation of trustees asked that preparation of an injunction requiring students to vacate the building be held up until trustees talked with them. This step and the agreement worked out by them were key factors in resolving the situation. As trustee Dr. Kenneth B. Clark said when he proposed the meeting, he wanted it to be on the record that the university went "the last mile" to prevent dire consequences.

Willingness to go the last mile, to make force the last resort, was also recommended in some detail by a committee of seven faculty members who investigated the disturbance at Brooklyn College: "The lesson of October 19 seems obviously to be that in all but circumstances of the gravest magnitude

the wisest immediate course to be followed, in cases of student (or faculty) infraction of established regulations and defiance of duly constituted college authority, is one of patience, self-searching understanding and tolerance, and prudent flexibility." said the committee report.

"Interference with campus traffic, or even the disruption of college business or classes for a few hours or a day, deplorable though these may be, are not in themselves circumstances sufficiently grave to warrant the risk of riot, physical violence and injury, and the more prolonged disruption of a protracted general strike that an inflexibly resolute stand and immediate corrective or disciplinary action by college authorities is likely to produce," the report continued. "With the obvious exception of cases where serious harm to persons or property is clearly imminent unless prompt steps are taken, the institution of disciplinary procedures or the appeal to the force of legal authority are measures that do not require to be taken immediately, and particularly not in the excitement of a situation which they are only likely to exacerbate.

The calm of subsequent days, rather than the excitement of the moment, is bound to be more conducive to rational consideration of the issues and circumstances, reliable ascertainment of the facts, and wise decision as to appropriate action to be taken."

Institutions finding themselves having to rely on both civil statutes and civil authorities to quell student disorders are finding that the legal blade can cut both ways. The University of Wisconsin, for example, had 39 cases pending against it at last count, all resulting from major disturbances there last fall.

Once the courts were reluctant to interfere with the internal affairs of colleges, but where there is evidence of arbitrary use of authority or where constitutionally guaranteed rights are questioned, the courts are now making themselves felt.

There is increasing evidence that <u>in loco parentis</u> has been abandoned as a valid relationship between institution and student. The alternative doctrine of a contractual relationship is largely limited to payment of tuition and fees and some aspects of the landlord relationship.

In making and enforcing campus rules, institutions should recognize that the student does not surrender any of the first amendment rights of freedom of religion, speech, press, privacy and the right to peaceably assemble. Nor can he contract these rights away.

In the absence of a fully developed new doctrine, some administrators, out of exasperation, have suggested that universities should get out of the disciplinary field altogether except for such academic offenses as cheating, plagiarism and interfering with the legitimate rights of others to use institutional facilities. "If students bring themselves to the attention of the police, that's not our business, but it also means we can't protect them, either," one housing director of a midwestern university points out.

There are some clear guidelines to keep in mind, however, when re-thinking campus disciplinary procedures. Inherent in these is that the institution must proceed in a fair and reasonable manner, taking into account the legitimate educational objectives of the institution as well as the rights of the student as a private citizen.

Although a university or college, in the words of a recent California landmark decision (Goldberg vs. Regents of the University of California 1967), has "inherent general powers to maintain order on the campus and to exclude therefrom those who are detrimental to its well being" regardless of the existence of rules applicable to the particular misconduct, courts are most reluctant to approve disciplinary action taken in the absence of published rules. These rules must not be "so vague that men of common intelligence must necessarily guess as to (their) meaning and differ as to (their) application."

One preventive measure being taken by colleges, many for the first time in over 100 years, is re-examination of student handbooks and judicial processes. They are looking to see if their rules are necessary, valid, enforceable and capable of withstanding scrutiny by the courts. The State University of New York, for example, has one of its lawyers reviewing all rules in that far-flung system.

In enforcement of rules involving major sanctions, it is now clear that the courts will require minimum procedural due process. Although this does not mean that all aspects of a court trial must be observed, the rudiments of an adversary procedure must be followed.

At the very least a student charged with violation of a rule which may lead to dismissal or suspension is entitled to: (1) written notice specifying the charges made against him sufficiently in advance of a hearing to enable him to

prepare a defense; (2) a hearing before a reasonably constituted board which will determine the facts solely on the basis of the evidence presented at the hearing; (3) an opportunity to question at the hearing any witness who gives evidence against him, and (4) some right of appeal based upon a transcript or record of the proceedings.

Lack of a reasonable due process procedure can become a prime motivating issue in student demonstrations. Lewis B. Mayhew, president of the American Association for Higher Education, told an audience in Dallas recently that, "Behind every successful student outbreak stands some administrator who exercised discretion without legitimacy."

A reasonable guide to procedures in these areas which is available to all administrators can be found in the "Joint Statement on Rights and Freedoms of Students" (see C&UB, July 1968).

Some administrators are increasingly eyeing trespass laws as a means to legitimize abrupt termination of campus disturbances, especially those involving forcible occupation of buildings. Administrators attempting to use such laws, however, are cautioned: "Laws pertaining to trespass on campus property are variously worded and applied across the nation," says John H. Myers, legal counsel to the American Council on Education. "Every administrator should have a lawyer clarify for him the exact local and state laws pertaining to trespass on campus." One often overlooked detail, suggests Mr. Myers, is "that the property boundaries aren't often known by a college's administration. This could prove embarrassing . . . ."

In Michigan, colleges and universities banded together and asked the state's attorney general's office to prepare a manual on all state laws relating to trespass and civil disobedience. This document is now a handy reference for top college officials in the state.

It is possible, in states and municipalities where some key laws are obscurely written, for colleges to work with the lawmakers to develop new or better laws. No other state has adopted as rigid a legal position pertaining specifically to trespass on state college and university property as has the State of California. In 1965 the Mulford Act was passed. That act made it a misdemeanor for any person who is "not a student or officer or employe of a state college or university and who is not required by his employment to be on the campus" to refuse a campus official's request to leave if it "reasonably appears to the official that the person

is committing or has entered the campus for the purposes of committing" any act likely to interfere with the "peaceful conduct" of the university. Challenged on constitutional grounds, the Mulford Act was upheld recently by a California appellate court.

In absence of law, and more frequently, in addition to the law, colleges are spelling out in some detail what constitutes appropriate conduct during campus demonstrations. Each college should have some reasonable rule pertaining to campus demonstrations, and it is important that the rule be widely published.

Stanford University's rule governing student demonstrations might well serve as a model ". . .campus demonstrations are permitted in public areas provided that they are conducted in an orderly manner, do not interfere with vehicular traffic, do not interfere with classes or other educational activities, and are not held within university buildings."

Student activists have said they will continue to try to overload campus judicial systems and to use the courts as often as possible. Many colleges are hiring full-time legal counsel to deal with these problems; others are reviewing all aspects of their operations with part-time legal counsel.

From "A Reporting Scale For Campus Disturbances" by John Caffrey, *College & University Business*, October 1968.

Official and student observers, as well as the press, have been "keeping score" in recent months on the number of student-led disturbances on American campuses. These disturbances vary considerably in scope and seriousness, and the mere number of such events is not an accurate reflection of their impact.

In reporting earthquakes the Richter scale is used and the Beaufort scale, among others, is used to indicate the force of winds and of storms. It would be similarly useful to be able to report campus disturbances on some comperable scale, though the complexity of such events makes it more difficult to find a place on the scale than to measure seismic shock.

However, the scale proposed herewith is better than nothing, and hopefully others may be able to modify and improve it. This lack of finality and the absence of supporting research data, to say nothing of modesty, impel me to decline the opportunity to call this the Caffrey scale. It might be more appropriate, historically speaking, to call it the Berkeley scale -- in honor of the philosopher-bishop of the same name.

How to use the scale. The lower the numeric index, the milder the event. As the scale increases, various possible events are listed, not all of which may occur on one occasion. A rough rule might be that if three or more of the indicated events occur, the disturbance qualifies at that level. Each level, of course, includes those below it, just as it may be presumed that if winds of 50 m.p.h. occur, winds of 40 m.p.h. preceded them -- John Caffrey, director, Commission on Administrative Affairs, American Council on Education.

0 *Protesting editorials in student newspaper, letters, radical visitors to campus.*

1 *Petitions to administration, placards, peaceful rallies and parades.*

2 *Massive but peaceful demonstrations and picketing, singing and chanting, minor obstructions of traffic, orderly delegations to administrative offices.*

3 *Serious but mostly annoying picketing, nonviolent blockades of entrances, surrounding of visitor's cars, moderate harrassment of speakers at meetings.*

4 *Nondestructive occupations of buildings or offices, sit-ins (24 hours or more), successful disruption of meetings, a few token arrests, warnings of expulsion.*

5 *Use police to break up demonstrations or clear buildings, 30-200 arrests, setting of harmless fires, fewer than 50 persons injured (none hospitalized), minor property destruction, 30-50 expulsions.*

6 *Major destruction of equipment, massive use of police, forcible detention of visitors or administrators by students, setting of serious fires, 200-500 arrests, 50-100 persons injured (some hospitalized), 50-100 expulsions, strike or protest actions by faculty or student unions.*

7 *One building seriously or entirely destroyed or burned, 500 or more arrests, 100 or more injuries (some hospitalized), theft of property, major furniture or records destroyed, use of tear gas, 1,000 or more demonstrators clash with police or National Guard, institution partly shut down, 500 or more expulsion notices.*

8 *Some gunfire (with a few wounded or one or more fatalities) institution substantially shut down, some faculty arrested and/or injured as demonstrators, major damage to more than one building.*

9 *Institution forced to close entirely, 500 or more serious injuries, including some fatalities, mass firing or resignation of faculty, substantially all students expelled, most campus property destroyed or burned, intervention of U.S. Army, more than half of students arrested on criminal charges.*

10 *All attempts at higher education abandoned, massive enrollments in adult evening schools, General Hershey calls for drafting of all students, male and female, and of all able-bodied faculty.*